

The Gazette of India



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NEW DELHI, SATURDAY, OCTOBER 5, 1963/ASVINA 13, 1885

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 23rd September, 1963 :—

Issue No.	No. and Date	Issued by	Subject
81	S.O. 2730, dated 18th September 1963.	Election Commission, India	List of Contesting Candidates.
182	S.O. 2731, dated 19th September, 1963.	Ministry of Scientific Research & Cultural Affairs.	The International Copyright (Fifth Amendment) Order, 1963.
183	S.O. 2732, dated 21st September, 1963.	Ministry of Information & Broadcasting.	Approval of film specified therein.
184	S.O. 2733, dated 23rd September, 1963.	Ministry of Finance	The Emergency Rights (Factories) Insurance (Third Amendment) Scheme, 1963.
	S.O. 2734, dated 23rd September, 1963.	Ditto.	The Emergency Risks (Goods) Insurance (Third Amendment) Scheme, 1963.
185	S.O. 2735, dated 23rd September, 1963.	Ditto.	Appointment of Shri B. N. Banerji, Member, Central Board of Revenue and <i>ex-officio</i> Joint Secretary, Ministry of Finance (Department of Revenue) as Administrator.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 20th September 1963

S.O. 2802.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1961, incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

SCHEDULE

Name and address of the disqualified candidate	Sl. No. and Name of constituency	Commission's notification No. and date under which disqualified.
1	2	3
Shri Narayansingh Uike, P. O. Desaiagarj, Tehsil Gadchiroli, District Chanda.	16—Raipur	MP-P/16/63-Bye (2), dated the 24th June, 1963.

[No. MP-P/16/63-Bye(2-R).]

By order,

V. RAGHAVAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 23rd September 1963

S.O. 2803.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the notification of the Government of India in the late Home Department No. 683, dated the 28th May, 1913, the President hereby directs that the Chief Commissioner of the Union territory of Delhi shall, subject to the control of the President and until further orders, exercise the powers, and discharge the functions, of the appropriate Government within that Union territory under section 401 of the Code of Criminal Procedure, 1898 (5 of 1898), except in respect of—

- (1) cases involving the sentence of death, and
- (2) cases where the sentence is for an offence against or the order referred to in sub-section (4A) of section 401 of the said Code is passed under, any law relating to any of the matters enumerated in List I in the Seventh Schedule to the Constitution.

[No. F. 2/9/63-Judl. II.]

K. R. PRABHU, Dy. Secy.

New Delhi, the 24th September, 1963

S.O. 2804.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Fifth Amendment Rules, 1963.

2. In Part II of the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, against Labour Officers, Class II, in column 1, below "(v) National Dairy Research Institute, Karnal" and the entries relating thereto in Columns 3 and 4, the following entries shall be inserted, namely:—

	3	4
"(w) office of the Chief Labour Commissioner (Central) New Delhi.	Chief Labour Commissioner (Central)	(i) to (iii)"

[No. F.7/30/63-Ests.A.]

K. THYAGARAJAN, Under Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 28th September 1963

S.O. 2805.—Statement of the Affairs of the Reserve Bank of India, as on the 20th September 1963.
BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	18,93,56,000
Reserve Fund	80,00,00,000	Rupee Coin	2,32,000
National Agricultural Credit (Long Term Operations) Fund	73,00,00,000	Small Coin	2,17,000
National Agricultural Credit (Stabilisation) Fund	8,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits:—		(a) Loans and Advances to:—	
(a) Government		(i) State Governments	27,14,40,000
(i) Central Government	70,19,81,000	(ii) State Co-operative Banks	10,15,34,000
(ii) State Governments	7,13,31,000	(iii) Central Land Mortgage Banks
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	3,55,31,000
(i) Scheduled Banks	86,14,75,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	2,21,87,000	Loans and Advances to State Co-operative Banks
(iii) Other Banks	4,57,000	Bills purchased and Discounted:—	
(c) Others	160,95,64,000	(a) Internal
Bills Payable	31,46,61,000	(b) External	96,96,61,000
Other Liabilities	21,28,22,000	(c) Government Treasury Bills	9,03,58,000
Rupees	545,44,78,000	Balances Held Abroad*	28,72,37,000
		Loans and Advances to Governments**	1,45,45,000
		Loans and Advances to:—	
		(i) Scheduled Banks†	127,06,71,000
		(ii) State Co-operative Banks††	1,95,55,000
		(iii) Others	196,13,21,000
		Investments	24,28,20,000
		Other Assets
		Rupees	545,44,78,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. Nil advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 25th day of September 1963

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 20th day of September 1963.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
Notes in circulation	18,93,56,000		(a) Held in India	117,76,10,000	
	2204,43,12,000		(b) Held outside India	..	
Total Notes issued		2223,36,68,000	Foreign Securities	89,46,14,000	
			TOTAL		207,22,24,000
			Rupee Coin		123,84,72,000
			Government of India Rupee Securities		1892,29,72,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2223,36,68,000	TOTAL ASSETS		2223,36,68,000

Dated the 25th day of September 1963.

M. V. RANGACHARI,
Dy. Governor.

[No. F. 3(2)-BC/63.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 17th September 1963

S.O. 2806.—In exercise of the powers conferred by sub-section (6) of Section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the Sri Jambukeswarar and Sri Akhilandeswari temple at Tiruvanaikoil, Tiruchirapalli District of Madras State to be of archaeological and artistic importance for the purposes of the said section.

[No. 60 F. No. 69/62/63-I.T.]

D. SUBRAMANIAN, Dy Secy.

(Department of Revenue)

CORRIGENDUM

ESTATE DUTY

New Delhi, the 18th September 1963

S.O. 2807.—In the Ministry of Finance (Department of Revenue) Notification No. 18/F. No. 5/23/63-ED, dated the 14th August, 1963 published as S.O. 2361 on pages 2735-2736 of the Gazette of India, dated the 24th August, 1963 in Part II, Section 3, sub-section (ii), the following correction shall be made, namely:

Against S. No. 4 in the Appendix to the aforesaid Notification—

For the words, "Shri Gokhale, B. T., B.E. (Civil), A.M.I.E.
read "Shri Gokhale, G. T., B.E. (Civil), A.M.I.E."

[No. 24/F. No. 5/23/63-ED.]

P. K. GHOSH, Under Secy.

CENTRAL BOARD OF REVENUE

CORRIGENDUM

New Delhi, the 25th September 1963

S.O. 2808.—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby directs that in column 3 of its Notification No. 59 (F. No. 55/1/62-IT) dated 4th September 1963 published as S.O. 2615 on pages 3331—3335 of Part II Section 3(ii) of the Gazette of India dated September 14, 1963, the following amendments should be made:—

- | | |
|---|---|
| (i) for "I.T.O. Comp Dt I, Calcutta" | read "I.T.O., A-Ward, Comp. Dt. I, Calcutta". |
| (ii) for "I.T.O. Companies Dist. II, Calcutta". | read "I.T.O., A-Ward, Comp. Dt. II, Calcutta". |
| (iii) for "I.T.O. Comp. Dt. III, Calcutta". | read "I.T.O., A-Ward, Comp. Dt. III, Calcutta". |
| (iv) for "I.T.O. Companies Dt. IV, Calcutta". | read "I.T.O., A-Ward, Comp. Dt. IV, Calcutta". |

[No. 63 (F. No. 55/1/62-IT.)]

J. RAMA IYER, Under Secy.

BOMBAY CENTRAL EXCISE COLLECTORATE**CENTRAL EXCISES**

Bombay, the 18th September 1963

S.O. 2809.—The limitations prescribed in column III against item No. 1 of the table subjoined to this Collectorate Notification No. CER/233/T/1/57, dated the 10th January, 1957 should be substituted as under:—

“The powers under Rule 200 shall not be exercised by an officer below the rank of Inspector in respect of manufactured products. However, the powers under this Rule may be exercised by sub-Inspectors in respect of unmanufactured products.”

[No. C.E.R./233/T/4/63.]

G. KORUTHU, Collector.

MINISTRY OF INDUSTRY

New Delhi, the 24th September 1963

S.O. 2810.—The Government of Bihar having nominated the Additional Director of Industries (Incharge Sericulture), Government of Bihar, Patna, to be a member of the Central Silk Board under clause (g) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), in place of Additional Director of Industries—(II)—(Incharge Sericulture), Government of Bihar, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Commerce and Industry No. S.O. 799, dated the 7th April, 1961, namely:—

In the said notification, for the entry against serial number 13 the following entry shall be substituted, namely:—

“13. Additional Director of Industries,
(Incharge Sericulture),
Government of Bihar, Patna.”

[No. F. 22/1/61-HS(2).]

R. KALYANASUNDARAM, Under Secy.

New Delhi, the 26th September, 1963.

S.O. 2811.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby appoints Dr. A. Jogarao, Officer on Special Duty in the Trade Marks Registry, Bombay as Contoller General of Patents, Designs and Trade Marks with effect from the afternoon of the 11th September, 1963 vice Dr. S. Venkateswaran granted terminal leave.

[No. 9(8)TMP/62.]

HARGUNDAS, Under Secy.

ORDERS

New Delhi, the 26th September, 1963.

S.O. 2812/IDRA/6/3.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 27th August, 1965, Shri N. N. Kapadia to be a member of the Development Council established by the Order of the Government of India the Ministry of Industry, No. S.O. 2531 dated the 28th August, 1963, for the scheduled industries engaged in the manufacture or production of Non-Ferrous

Metals, including Alloys and Semi-Manufactures thereof and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 24 relating to Shri P. L. Subbiah, the following entry shall be inserted, namely:—

- 25 Shri N. N. Kapadia, M/s. The Madras Aluminium Company Ltd., C/o. M/s. Hashadray Private Ltd., 'Jiji House', Raveline Street, Bombay.

[No. 1(7)/L.Pr./63.]

New Delhi, the 28th September 1963

S.O. 2813.—IDRA/6/16.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with Rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 8th September, 1965, the following persons to be members of the Development Council established by the Order of the Government of India in the Ministry of Industry No. S.O. 2625, dated the 9th September, 1963, for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors and Earth Moving Equipment and directs that the following amendments shall be made in the said Order, namely:

In the said Order, after entry No. 26 relating to Shri K. V. Ashokan, the following entries shall be inserted, namely:—

27. Shri R. D. Vyas, Retail Manager, M/s. Esso Standard Eastern Inc., 17, Jamshedji Tata Road, Post Box No. 355, Bombay-1.

28. Brig. T. B. Poduval, Officer on Special Duty (Trucks and Tractors), Directorate General of Ordnance Factories, 6, Esplanade East, Calcutta-1.

29. Shri K. Srinivasan, Deputy Secretary, Ministry of Transport, New Delhi.

[No. 1(3)/L.Pr./63.]

S. P. KRISHNAMURTHY, Under Secy.

MINISTRY OF INTERNATIONAL TRADE

(Office of the Jt. Chief Controller of Imports & Exports)

ORDER

Bombay, the 3rd September 1963

S.O. 2814.—Whereas M/s. Prima Auto Trade Agencies, 83, Nagdevi Street, Bombay-3, or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/389/62/CDN.II/3291, dated the 3/6th August, 1963, proposing to treat as ab-initio-void licence No. E. 865420, dated 27th August 1962, valued at Rs. 13,428 for the import of Motor Vehicle Parts from General Area except South and South West Africa granted to M/s. Prima Auto Trade Agencies, by the Joint Chief Controller of Imports and Exports, Bombay,

The Government of India, Ministry of International Trade in exercise of powers conferred in Clause No. 9(a) of the Import (Control) Order 1955 hereby cancel the said licence issued to the said M/s. Prima Auto Trade Agencies, Bombay.

[No. 1/389/62/CDN.II.]

R. R. KIRPALANI,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF HEALTH

New Delhi, the 26th September 1963

S.O. 2815.—In pursuance of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby nominates Lt. Genl. C. C. Kapila, Director General, Armed Forces Medical Services, New Delhi, to be a member of the Medical Council of India *vice* Lt. Genl. B. M. Rao resigned and makes the following amendment in the notification of the Government of India in the Ministry of Health, No. F.5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Nominated under clause (e) of sub-section (1) of section 3", for the entry against serial No. 2, the following entry shall be substituted, namely:—

"Lt. General C. C. Kapila, Director General, Armed Forces Medical, Services, New Delhi"

[No. F.4-20/63-MP]

ORDER

New Delhi, the 28th September 1963

S.O. 2816.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-10/63-MI(MPT), dated the 25th September, 1963, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D.S. (University of Pavia), Italy for the purposes of the said Act:

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. M. Virginia Beretta, who possesses the said qualification, continues to work in the Canossa Hospital, Pratapgarh, Uttar Pradesh, to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. M. Virginia Beretta shall be limited.

[No. F. 16-10/63-MI(MPT).]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF IRRIGATION & POWER

New Delhi, the 18th September, 1963

S.O. 2817.—In exercise of the powers conferred by Section 3 of the Electricity (Supply) Act, 1948, (54 of 1948), and in supersession of this Ministry's Notification No. EL. II-1 (34)/60, dated the 20th May, 1960, the Central Government hereby appoints Shri V. Nanjappa, Secretary to the Government of India, Ministry of Irrigation and Power, as Chairman of the Central Electricity Authority, vice Shri M. R. Sachdev.

[No. EL. II-1(14)/63.]

V. B. ESWARAN, Dy. Secy.

MINISTRY OF COMMUNITY DEVELOPMENT & COOPERATION

(Department of Cooperation)

New Delhi, the 24th September 1963

S.O. 2818.—In exercise of the powers conferred by Section 5-B of the Multi-unit Cooperative Societies Act, 1942 (6 of 1942), the Central Government hereby directs that all powers or authority exercisable by the Central Registrar of Co-operative Societies under the said Act shall also be exercisable by Shri E. B. Reinboth, Development Commissioner, Delhi in respect of the Multi-unit Cooperative Societies which are or are deemed to be actually registered in the Union Territory of Delhi.

[No. 3-17/62-CT.]

G. D. GOSWAMI, Jt. Secy.

MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 24th September 1963

S.O. 2819.—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 1-8/63-C.I. dated 27th June, 1963, published in Part II, section 3, sub-section (ii) of the Gazette of India dated the 6th July, 1963, the Central Government gave notice of its intention to declare the archaeological site and remains specified in the Schedule below to be of national importance.

And, whereas the objections received to the making of such declaration have been considered by the Central Government;

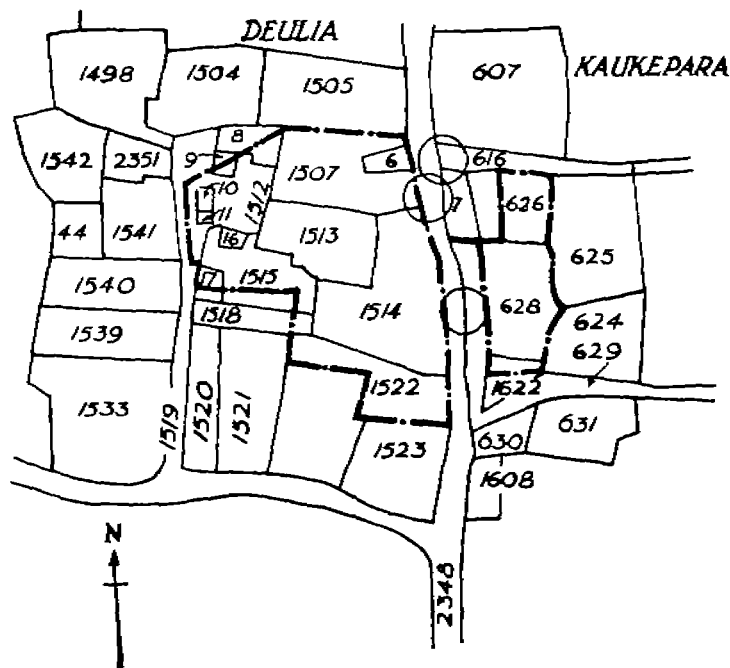
Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological site and remains to be of national importance.

SCHEDULE

Serial No.	State	District	Tahsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	West Bengal	24 Parganas	Barasat	Deulia and Kaukepara	Ancient mound known as Varahamihirer Dhipi comprised in survey plot Nos. 1506, 1511, 1510, 1513, 1514, 1516 and part of survey plot Nos. 1507, 1509, 1512, 1508, 1515, 1517, 1518 and 1522 of mauza Deulia and survey plot No. 628 and part of survey plot Nos. 626 and 1622 of mauza Kaukepara.	Whole of survey plot Nos. 1506, 1511, 1510, 1513, 1514, 1516 part of survey plot Nos. 1507, 1509, 1512, 1508, 1515, 1517, 1508 and 1522 of mauza Deulia and survey plot Nos. 626 and 1622 of mauza Kaukepara as shown in the plan reproduced below.	2.228 Acre	<p><i>Deulia mauza North:</i>—Survey plot No. 1505 remaining portions of survey plot Nos. 1507, 1508, 1509 and 1512.</p> <p><i>East:</i>—Survey plot No. 2348.</p> <p><i>South:</i>—Survey plot No. 1523 and remaining portion of survey plot Nos. 1522, 1515 and 1517.</p> <p><i>West:</i>—Survey plot No. 1519 and remaining portion of survey plot Nos. 1515, 1518 and survey plot No. 1521</p> <p><i>Kaukepara mauza North:</i>—Survey plot No. 606.</p> <p><i>East:</i>—Survey plot Nos. 624 and 625.</p> <p><i>South:</i>—Remaining portion of survey plot No. 1622.</p> <p><i>West:</i>—Survey plot Nos. 627, 629 and remaining portion of survey plot No. 626.</p>	Private excepting part of survey plot No. 1514 which is owned by the West Bengal Government.	The mound is also known as Khanamihirer Dhipi.

SITE PLAN OF VARAHA-MIHIRER DHIPI

20 0 20 60 100 METRES
110 55 0 110 220 330 FEET



LIMITS OF PROPOSED PROTECTION ---

New Delhi, the 26th September 1963

S.O. 2820.—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F-413/63-C.I. dated 25th May, 1963, published in Part II, section 3, sub-section (ii) of the Gazette of India dated the 1st June, 1963, the Central Government gave notice of its intention to declare the archaeological monuments specified in the Schedule below to be of national importance.

And, whereas; no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monuments to be of national importance.

SCHEDULE

Sl. No.	State	District	Tahsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership
1	2	3	4	5	6	7	8	9	10
1	Jammu and Kashmir	Baramulla	Baramulla	Pattan village	Sankara Gaurisvara temple and excavated structures together with adjacent land comprised in survey plot No. 4353.	Whole of Survey plot No. 4353.	19 Kanals and 11 Marlas.	North :—Survey plot No. 4352. East :—Survey plot No. 4332. South :—Survey plot Nos. 4354, 4355, 4358, 4359 and 4360. West :—Survey plot No. 4258 (road).	Government
2	Jammu and Kashmir	Baramulla	Baramulla	Taparwari-Pora village	Partap Swami, Temple with four subsidiary shrines together with adjacent land comprised in survey plot No. 1326.	Whole of Survey plot No. 1326.	22 Kanals and 7 Marlas.	North :—Survey plot No. 1325. East :—Survey plot No. 1467. South :—Survey plot Nos. 1465, 1464, 1462, 1461, 1450, 1459, 1458 and 1327.	Government
3	Jammu and Kashmir.	Srinagar	Srinagar	Zaina Kadal	Tomb of Zainul Abidin's mother together with adjacent land comprised in survey plot Nos. 7, 8, 9 and 10.	Whole of Survey plot Nos. 7, 8, 9 and 10.	9 Kanals and 7 Marlas.	West :—Survey plot No. 11804. North :—Survey plot Nos. 716, 717 and 723. East :—Survey plot No. 11. South :—Survey plot No. 6 and 4. West :—Survey plot No. 1/1.	Government

[No. F.4-13/63-C.I.]
ATHAR HUSAIN,
Officer on Special Duty (W.).

MINISTRY OF WORKS, HOUSING & REHABILITATION**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 26th September 1963*

S.O. 2821.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act 1954 (No. 44 of 1954) the Central Government hereby appoints for the Union Territory of Delhi, Shri Sardari Lal, Assistant Custodian, in the office of the Chief Settlement Commissioner, New Delhi as Managing Officer for the custody, management and disposal of Compensation Pool with immediate effect.

[No. 7(1)ARG/62.]

KANWAR BAHADUR,**Settlement Commissioner(A) &
Ex-Officio Deputy Secretary.****MINISTRY OF INFORMATION AND BROADCASTING***New Delhi, the 26th September, 1963.*

S.O. 2822.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints the following persons, after consultation with the Central Board of Film Censors, as members of the Advisory Panel of the said Board at Madras with effect from the dates shown against them:

1. Shri N. Gopala Menon, 26th October 1963.
2. Smt. Suneetha Appa Rao, 9th October 1963.
3. Dr. J. Agarwal, 9th October 1963.

[No. 11/4/62-F.C.]

S. PADMANABHAN, Under Secy.**MINISTRY OF MINES & FUEL***New Delhi, the 26th September 1963*

S.O. 2823.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 1693, dated the 14th June, 1963, under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines.

SCHEDULE

State West Bengal Dist BURDWAN Tehsil/Thana . . . ASANSOL

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
SUDI, J.L. 45 . . .	552	·66	RAGHUNATH BATI, J.L. 64— <i>contd.</i>	70	·03
	560	·15		71	·07
	561	·08		73	·005
	562	·16		74	·11
	563	·15		75	·07
	565	·04		76	·11
	566	·07		187	·11
	570	·05		189	·11
	571	·09		198	·11
	576	·46		199	·06
	580	·25		202	·06
	584	·10		203	·05
	587	·01		204	·03
	588	·01		217	·01
	589	·08		220	·005
	590	·09		866	·24
	591	·04		869	·005
	622	·09		870	·03
	623	·005		871	·01
	1064	·10		872	·17
	1099	·05		873	·07
	1104	·01		884	·02
	1105	·11		885	·16
	1106	·05		902	·04
	1107	·04		908	·06
	1108	·05		909	·08
	1109	·005		911	·17
	1110	·005		912	·04
	1118	·005		913	·03
	1119	·03		914	·02
	1120	·01		915	·02
	1121	·01		916	·05
	1122	·04		926	·02
	1123	·04		927	·10
	1124	·03		928	·09
	1125	·02		932	·11
	1126	·005		1006	·06
	1128	·005		1007	·08
	1129	·07			
	1130	·005	RAMJIBANPUR, J.L.	62	·02
	1131	·005	47	63	·04
	1132	·10		65	·09
	1133	·005		67	·04
	1216	·02		70	·03
	1217	·10		74	·05
	1228	·15		75	·14
	1229	·07		80	·12
	1234	·04		84	·17
	1236	·01		89	·15
	1238	·09		90	·12
	1239	·22		91	·005
	1253	·17		92	·03
	1275	·36		96	·02
	1277	·03		97	·01
RAGHUNATH BATI, J.L. 46	59	·10		285	·14
	60	·02		287	·06
	61	·05		289	·07
	62	·04		290	·09
	69	·02		385	·15

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
RAMJI KAN PUR	D. 47— <i>contd.</i>		GANRUI, J. L. 3— <i>contd.</i>		
	395	05		1587	02
	399	12		1592	20
	400	06		1593	06
	401	01		1595	23
	408	09		1596	13
	409	01		1597	06
	412	005		1598	005
	413	02		1632	01
	414	04		1633	51
	416	06		1634	34
	417	05		1635	44
	418	02		1638	07
	462	22		1645	32
	465	15		1699	42
	466	01		1706	12
	489	60		1707	04
	491	26		1732	31
	492	85		1733	06
	495	12			
	496	08	GOBINDAPUR, J.L. 7	237	03
	497	16		238	14
	498	09		239	28
				247	02
				248	32
GANRUI, J.L. 3.	375	13		250	13
	376	13		259	30
	377	40		260	005
	380	05		261	10
	381	02		263	12
	382	05		264	01
	383	03		265	12
	1371	005		294	10
	1372	11		295	11
	1375	33		297	14
	1377	14		298	12
	1378	01		299	08
	1380	51		300	06
	1381	03		301	09
	1384	76		302	07
	1395	005		303	005
	1396	09		304	09
	1401	26		305	05
	1402	005		306	12
	1403	03		310	01
	1404	04		332	04
	1407	05		333	45
	1408	22		334	01
	1409	04		336	20
	1410	05		337	07
	1411	05		338	12
	1412	05			
	1413	02		341	03
	1415	06		447	08
	1416	06		449	20
	1417	03		450	14
	1418	005		451	47
	1461	13		1025	44
	1462	26		1028	04
	1463	01		1030	12
	1464	03		1031	05
	1465	06		1032	17
	1466	05		1033	18
	1488	25		1034	11
	1489	02		1036	07
	1490	31		1053	12
	1496	10		1054	12

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
GOBINDAPUR, J.L. 7 (<i>contd.</i>)—	1055	·07	SITALA, J.L. 8— <i>Contd.</i>	885	·05
	1056	·21		886	·24
	1057	·45		1357	·13
	1103	·13	DAKSHIN DHADKA, J.L. 15		
	336/A	·005		230	·005
SITALA J. L. 8.	96	·005		252	·05
	381	·17		253	·10
	382	·12		254	·01
	383	·15		256	·01
	384	·01		257	·06
	386	·14		260	·01
	387	·20		261	·15
	388	·14		262	·01
	635	·10		263	·005
	637	·43		264	·005
	638	·13		268	·14
	645	·05		269	·01
	646	·30		310	·03
	706	·11		311	·03
	708	·03		315	·15
	709	·12		316	·005
	710	·02		317	·18
	711	·01		318	·11
	712	·02		321	·06
	713	·14		322	·07
	737	·005		323	·08
	738	·01		355	·34
	739	·34		384	·27
	740	·005		471	·15
	745	·005		473	·05
	746	·01		474	·19
	747	·005		476	·19
	751	·48		484	·11
	764	·07		485	·01
	765	·03		487	·01
	772	·06		488	·04
	773	·15		489	·06
	774	·11		490	·05
	775	·005		491	·04
	777	·06		492	·09
	778	·10		493	·11
	779	·06		526	·04
	784	·01		527	·01
	808	·005		528	·005
	819	·15		529	·06
	821	·11		530	·005
	822	·16		531	·005
	826	·005		532	·01
	827	·05		533	·01
	828	·24		534	·01
	834	·005		535	·12
	835	·06		587	·005
	836	·05		588	·005
	838	·33		589	·005
	839	·13		590	·005
	856	·01		591	·005
	857	·13		592	·01
	858	·07		593	·01
	859	·11		594	·02
	860	·06		601	·04
	868	·18		602	·02
	871	·09		603	·05
	882	·10		604	·05
	883	·21		605	·02
	884	·39		614	·03

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
DAKSHIN DHADKA, J. L. 15— <i>contd.</i>	615	·09	SAT PUKHURIA J. L. 17— <i>contd.</i>	483	·04
	617	·01		485	·005
	618	·07		486	·04
	619	·05		487	·05
	620	·04		490	·09
	623	·03		491	·04
	624	·03		661	·005
	625	·03		662	·05
	626	·02		667	·28
	627	·01		704	·10
	628	·27	NISCHINTA, J.L.	33	·02
	660	·08		34	·03
	662	·46		35	·02
	663	·06		36	·02
	664	·05		57	·005
	692	·22		58	·10
KALLA, J.L. 16.				59	·06
	107	·72		60	·005
	583	·005		62	·005
	584	·26		63	·09
	670	·04		64	·09
	672	·10		67	·03
	674	·21		68	·24
	675	·30		84	·36
	677	·04		109	·005
	679	·23		110	·05
	682	·005		111	·05
	683	·16		112	·02
	684	·19		113	·24
	688	·09		114	·06
	689	·01		180	·09
	690	·18		181	·13
	691	·22		186	·20
	705	·20		187	·04
	706	·18		188	·02
	707	·10		189	·02
	709	·42		191	·03
	715	1·31		193	·05
	716	·03		212	·09
	718	·05		213	·13
	719	·15		214	·02
	724	·16		215	·06
SATPUKHURIA, J.L. 17	1588	·07		216	·02
				219	·05
	290	·34		220	·04
	296	·40		221	·02
	303	·33		222	·02
	334	·21		260	·13
	335	·04		273	·13
	336	·005		274	·10
	337	·26		275	·05
	338	·09		353	·65
	339	·14		389	·10
	340	·10		391	·05
	341	·15		392	·07
	344	·18		398	·08
	345	·08		399	·17
	346	·28		400	·06
	388	·30		401	·005
	389	·24		1271	·005
	390	·04		1273	·005
	391	·005		1274	·005
	402	·95		1275	·04
	465	·39		1276	·02
	482	·33		1412	·03

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
NISCHINTA, J. L. 20, —contd	1413	·02	NISCHINTA, J. L. 20 —contd.	2391	·07
	1415	·005		2394	·17
	1433	·17		2397	·02
	1434	·33		2398	·12
	1438	·05		2791	·01
	1439	·02		2798	·05
	1440	·005		2800	·24
	1441	·01		2801	·11
	1443	·03		2802	·03
	1444	·03		2803	·06
	1445	·05		2805	·05
	1446	·09		2806	·06
	1447	·03		2807	·05
	1448	·03		2808	·005
	1449	·03		2812	·005
	1450	·01		2819	·03
	1452	·01		2823	·11
	1457	·01		2826	·08
	1466	·36		2827	·13
	1467	·07		2830	·07
	1470	·16		2831	·08
	1471	·09		2832	·10
	1506	·18		2834	·05
	1507	·11		2835	·05
	1508	·04		2838	·01
	1509	·05		2847	·005
	1510	·04		2848	·13
	1511	·01		2849	·11
	1517	·04		2850	·13
	1717	·17		2851	·12
	1718	·06		2876	·11
	1726	·07		2877	·005
	1727	·20		2968	·08
	1728	·05		2969	·05
	1736	·01		2983	·05
	1737	·19		2984	·05
	1767	·04		2985	·03
	1717	·005		2986	·05
	1772	·04		2987	·05
	1773	·07		2988	·05
	1774	·11		2993	·005
	1775	·05		2994	·02
	1776	·04		2995	·10
	1777	·06		2996	·05
	1779	·11		2997	·005
	1780	·14		2998	·01
	1781	·19		2999	·03
	1799	·01		3005	·04
	1801	·15		3006	·02
	1803	·02		3007	·01
	1804	·03		3067	·05
	1807	·15		3068	·04
	1808	·30		3069	·09
	1809	·005		3070	·10
	2363	·05		3072	·05
	2364	·27		3402	·11
	2365	·11		3403	·03
	2389	·05		3404	·02
	2390	·05		3432	·28

[No. 31/56/63-ONG.]

New Delhi, the 27th September 1963

S.O. 2824.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery

in Bihar State to the Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Bihar			District—Monghyr			Thana—Chakai		
Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Bhunra No. 34	446A	0.450	Kaleyanpur No. 35	156	0.065	—Contd.		
	446B	0.325		155	0.065			
	447	0.10		154	0.025			
	448	0.05		162	0.005			
	449A	0.005		177	0.180			
	449B	0.500		176	0.185			
	449C	0.005		173	0.065			
	449D	0.140		172	0.050			
	449E	0.210		171	0.045			
	443	0.020		170	0.005			
	513	0.170		208	0.010			
	514B	0.695		179	0.100			
	450	0.760		180	0.050			
	547B	0.270		181	0.010			
	548A	0.045		182	0.140			
	550	0.025		185	0.080			
	551	0.040		186A	0.005			
	548B	0.020		186B	0.310			
	547D	0.070		196	0.025			
				207	0.040			
Kaleyanpur No. 35	12	1.470		195	0.165			
	49	0.015		1077	0.110			
	65	0.040		1087	0.020			
	50	0.170		1086	0.105			
	48	0.165		1085	0.090			
	57	0.125		1084	0.090			
	58	0.005		1110	0.055			
	59	0.045		1109A	0.015			
	60	0.040		1109B	0.005			
	61	0.050		1111	0.035			
	63	0.210		1112	0.005			
	229B	0.125		1121	0.190			
	220	0.360		1120	0.210			
	225	0.010		1131	0.130			
	221	0.075		1130	0.105			
	141	0.080		1132	0.120			
	139	0.010		1138	0.110			
	140	0.020		1137	0.030			
	142	0.005		1136	0.010			
	143	0.100		1141	0.045			
	144	0.020		1188	0.080			
	157	0.090		1343A	0.060			

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Kaleyanpur No. 35— <i>contd.</i>	1165	0.140	Piarpher No. 36— <i>contd.</i>	1258C	0.275
	1335A	0.180		1258D	0.100
	1335B	0.310		1257	0.090
	1322	0.085		1258E	0.045
	1323	0.005		1258F	0.115
	1321A	0.030		1258G	0.005
	1321B	0.140		1256	0.030
	1310A	0.020		1255A	0.020
	1310B	0.020		1255B	0.115
	1324	0.020		1250	0.045
	1309	0.090		664	0.020
	1245	0.015	Baro No. 37	1170A	0.405
	1307	0.025		1170B	0.240
	1306	0.010		1170C	0.260
	1246	0.310		1171	0.310
	1250	0.090		1193	0.050
	1251	0.010		1194	0.040
	1253A	0.050		1202	0.160
	1253B	0.040		1237	0.005
	1254	0.010		1235A	0.065
	1258	0.025		1235B	0.045
	1259	0.090		1236A	0.007
	1260	0.160		1236B	0.025
	1271	0.020		1236C	0.015
	1270	0.075		1236D	0.060
	1269A	0.020		1236E	0.020
	1269B	0.020		1234	0.155
	1272	0.015		1233	0.050
	1268A	0.160		1232	0.120
	1268B	0.065		1246	2.500
	1667	0.010		1245A	0.060
	1366	0.020		1272	0.020
	230	0.005		1245B	0.005
	1343B	0.010		1280	1.700
Piarpher No. 36	1284	0.020		1297A	0.020
	1282	0.020		1298	0.020
	1281	0.040		1297B	0.675
	1283A	0.050		1296	0.270
	1283B	0.070		1245C	0.100
	1280	0.060		1236F	0.050
	1272A	0.090		1245D	0.025
	1272B	0.015	<i>Bihar State, Distt. Santhal Parganas</i>		
	1279	0.050	Nayachak No. 587	161	0.04
	1273	0.030		238	
	1274A	0.150	Thana Madhupur		
	1274B	0.090			
	1274C	0.055			
	1274D	0.090			
	1276	0.020	Raghunathpur No. 64	2508	0.005
	1235A	0.735	Sardari Circle Kalajaria	2651	0.01
	1235B	0.430	Thana-Jamtara	2678	0.005
	1235C	0.020		2682	0.005
	1239	0.080	Saharpur No. 65	1766	0.005
	1240A	0.010		1767	0.002
	1240B	0.525	Sardari Circle Kalajh-	1971	0.008
	1243A	0.090	aria Thana-Jamtara	2062	0.015
	1243B	0.060		3884	0.003
	1243C	0.155	Bewa No. 8	5964	0.01
	1243D	0.105	Sardari Circle Jamtara	5959	0.78
	1243E	0.110	Thana-Jamtara	5843	0.065
	1243F	0.135			
	1259	0.035			
	1258A	0.140	Garainala No. 4	1226	0.31
	1258B	0.135	Sardari Circle Mihijam		
			Thana-Jamtara		

ERRATUM

New Delhi, the 27th September 1963

S.O. 2825.—In the Schedule to the notification of the Government of India in the Ministry of Mines and Fuel S.O. 2498, dated the 22nd August, 1963 published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 31st August, 1963 at page 2921 in the 6th line from the bottom,

For 1901 read 1951.

[No. 31/47/63-ONG.]

B. SUBBA RAO, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

CORRIGENDA

New Delhi, the 20th September 1963

S.O. 2828.—In the Merchant Shipping (Examination of Engineers in the Merchant Navy) Rules, 1963, published with the notification of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. GSR 1030, dated the 22nd June, 1963, and published in the Gazette of India Part II, Section 3, Sub-Section (i) at pages 1156 to 1192:—

1. At page 1159, in rule 18, line 8, for "measures" read "measured";
 2. At page 1167, rule 64,
 - (a) in clause (b), line 4, for "competed" read "completed";
 - (b) in clause (c), line 1, for "a(i)" read "(a) (i)";
 - (c) in clause (c), line 2, for "a(ii)" read "(a) (ii)";
 3. At page 1170, in the "Time Table of Examinations" in the entries against "Monday",
 - (a) under "Morning Session", in column 3, for "Engineering-Knowledge" read "Engineering Knowledge";
 - (b) under "Afternoon Session" in column 4,
 - (i) in line 4, "a" read "and";
 - (ii) the words and brackets "(Candidates for endorsement take this paper)" shall be inserted at the end;
 4. At page 1171, in the Table under First Class, in the entries against "Monday",
 - (a) under "Morning Session", in column 3, for "Candidate" read "Candidates";
 - (b) under "Afternoon Session", in column 4, the words and brackets "(Candidates for endorsement take this paper)" shall be inserted at the end;
 5. At page 1172,
 - (a) in the Table, in the entries against Wednesday, under "Part of Examination" in column 2, the letter "B" shall be inserted against "Naval Architecture" in column 4.
 - (b) in the last line, for " $\cos (A \mp B)$ " read " $\cos (A \pm B)$ ";
- At page 1173,
- (a) under the heading "Dynamics", in line 4, for "mementum" read "momentum";
 - (b) under the heading "stress and strain", in line 2, for "Yiels" read "Yield";
 - (c) under the heading "Torsion", line 1, for "Tweisting" read "Twisting";
7. At page 1175,
 - (a) under the heading "Gases", in line 4 for " PV^n " read " PV^n ";

- (b) under the heading "*Reciprocating steam engine*",
 - (i) in line 4, for "*compounding engines*" read "*compounding*";
 - (ii) in line 8, after "*angle*" read "*of*";
- 8. At page 1176,
 - (a) under the heading "*Combustion*", in line 4, for "*CO*" read "*CO₂*";
 - (b) under the heading "*Magnetism and Electromagnetism*", in line 5, for "*U/B*" read "*u/B*";
 - (c) under the heading "*Electro-magnetic induction*", in line 1, for "*lenz's*" read "*Lenz's*";
- 9. At page 1177,
 - (a) under the heading "*Alternating Current Theory*", in line 2, for "*differene*" read "*difference*";
 - (b) under the heading "*D.C. Generators*", in line 1, for "*e.m.f*" read "*E.m.f.*";
 - (c) under the heading "*Applications etc*", for "*parellel*" read "*parallel*";
- 10. At page 1178,
 - (a) under the heading "*The Series Circuit*", in line 1, for "*inductances*" read "*inductance*";
 - (b) for the heading "*Transvers Stability*" read "*Transverse Stability*";
 - (c) for the heading "*Resistance and Propulsion*";
 - (i) in line 2,—
 - for "*Rf = F.S. + Vn*" read "*Rf = f.S.Vⁿ*";
 - for "*Admirally*" read "*Admiralty*";
 - (ii) in line 4, for "*(speed)n*" read "*(speed)ⁿ*";
- 11. At page 1179,
 - (a) in line 1, for "*explosition*" read "*explosion*";
 - (b) under the heading "*Transverse Stability*" in line 2, for "*cross*" read "*Cross*";
- 12. At page 1182, under the heading "*Strength and properties of Materials*" in line 2, for "*clasticity*" read "*elasticity*";
- 13. At page 1183,
 - (a) in line 1, for "*accentric*" read "*eccentric*";
 - (b) in the last line for "*This subject*" read "*Two subjects*";
- 14. At page 1184,
 - (a) under the heading "*Engineering Drawing and Design*" in line 3, for "*designs*" read "*design*";
 - (b) under the heading "*Electrostatics*" in line 3, for "*condenses*" read "*condensers*";
 - (c) under the heading "*Resistance and Propulsion of ships*", in the last line, for "*serofoil*" read "*aerofoil*";
- 15. At page 1186, in the line before the heading "*Description of Duties*", for "*Steam of motor ship*" read "*Steam or motor ship*";
- 16. At page 1187, Appendix G, in line 4, for "*Cordon's*" read "*Gordon's*";
- 17. At pages 1188, and 1189, for the words "*Appendix G*" read "*Appendix H*";
- 18. At page 1190, under the heading "*Referring to Figure 3 only*" in line 14, for "*Chocked*" read "*choked*";
- 19. At page 1191,
 - (a) in line 5, for "*constracted*" read "*constructed*";
 - (b) under the heading "*Referring to Figure 5 only*" in line 8, for "*blow*" read "*below*";
 - (c) under the heading "*Other Special Points to be Noted*",
 - (i) in paragraph 2, line 1, for the words "*are necessary*" read "*are not necessary*";

- (ii) in paragraph 5, line 1, for the words, "either too low" read "either too high or too low";

[No. 30-ML(9)/59.]

B. P. SRIVASTAVA, Dy. Secy.

(Civil Aviation Wing)

New Delhi, the 27th September 1963

S.O. 2827.—Whereas on the 11th September, 1963, an accident occurred near Agra to a Viscount aircraft of India Airlines Corporation, while on a scheduled Night Airmail Service from Nagpur to Delhi, resulting in the death of all the crew and passengers on board.

And whereas it appears to the Central Government that it is expedient to hold a formal investigation of the said accident.

Now, therefore, in exercise of the powers conferred by rule 75 of the Indian Aircraft Rules, 1937, the Central Government hereby directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri G. D. Khosla, a retired High Court Judge to hold the said investigation.

The Central Government is also pleased to appoint:

- (1) Shri G. C. Arya, Deputy Director General, Civil Aviation Department;
- (2) Shri N. D. O'Neal, Deputy Engineering Manager of Air-India;

to act as assessors to the said investigation.

[No. 7-A/36-63.]

M. M. PHILIP, Secy.

(Department of Posts and Telegraphs—P. & T. Board)

New Delhi, the 24th September 1963

S.O. 2828.—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148 of the Constitution, the President hereby makes the following rule further to amend the Rules and Regulations of the Bengal Telephone Provident Fund namely:—

Substitute the following for sub-rule (3) of Rule 20-A:—

"(3) Recovery shall be made in the manner provided in Rule 7 for the realisation of the subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days duration as the case may be. The recovery may be postponed on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber."

[No. 34-10/62-Pen.]

S.O. 2829.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President hereby makes the following rule further to amend the New Madras Telephone District Contributory Provident Fund Rules, namely:—

In the said Rules:—

Substitute the following for sub-rule (2) of Rule 14:—

"(2) Recovery shall be made in the manner provided in rule 6 for the realisation of subscriptions and shall commence on the first occasion after the advance

is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days duration as the case may be. The recovery may be postponed on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber."

[No. 34-10/62-Pen.]

S.O. 2830.—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148 of the Constitution, the President hereby makes the following rule further to amend the Bombay Telephone Contributory Provident Fund Rules and Regulations namely:—

In the said Rules and Regulations:—

Substitute, following for sub-rule (2) of Rule 23:—

"(2) Recovery shall be made in the manner provided in Rule 9 for the realisation of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days duration as the case may be. The recovery may be postponed on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber."

[No. 34-10/62-Pen.]

New Delhi the 26th September 1963

S.O. 2831.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620, dated the 28th February, 1957 namely:—

In the Schedule to the said notification, in part II—General Central Service, Class III—

- (i) under the heading "Office of the Additional Chief Engineer, Technical and Development Circle, and other offices under his jurisdiction", below the item "Engineering Supervisor; Wireless Supervisor; Telegraph Master; Instrument Tester" and the entries relating thereto in the other columns the following item and entries shall be inserted in columns 1 to 5, namely:—

(1)	(2)	(3)	(4)	(5)
Mechanic; Joiner; Inspector.	Cable Sub-	Officers of Tele- graph Engineering and Wireless Service, Class II; Assistant En- gineer (in charge of units); Installa- tion Engineer (in charge of unit).	Officer of Telegraph Engineering and Wireless Service, Class II; Assis- tant Engineer (in charge of unit); Installation En- gineer (in charge of unit).	All Divisional Engineer Telegraphs; Senior Electrical Engin- eer.

- (ii) under the heading "Telegraph Engineering Divisions and Sub Divisions" for the entry "Linemen; Wiremen; and Line Riders" in column 1 and

the entries relating thereto in the other columns, the following entries shall be inserted in columns 1 to 5, namely:—

(1)	(2)	(3)	(4)	(5)
Linemen, Wiremen, Line Riders, Mechanics, Cable Jointers and Sub-Inspectors.	Officer of Junior Time Scale of Telegraph Engineering Service, Class I and of Telegraph Engineering and Wireless Service, Class II holding a sub-divisional charge.	Officer of Junior Time Scale of Telegraph Engineering Service, Class I and of Telegraph Engineering and Wireless Service, Class II holding a sub-divisional charge.	All	Divisional Engineer, Telegraphs.
		Engineering Supervisor.	(i) to (iii).	Officer of Junior Time Scale of Telegraph Engineering Service Class I and of Telegraph Engineering and Wireless Service, Class II holding a sub-divisional charge."

(iii) under the heading "Office of the Divisional Engineer, Wireless", the words "Engineering Supervisor" and "Repeater Station Assistants" occurring in column 1 shall be deleted.

(iv) under the heading "Telephone Districts and Sub-Divisions of Telephone Districts", below the item "Upper and Lower Division Clerks in Calcutta and Bombay Telephone Districts" in column 1 and the entries relating thereto in the other columns, the following item and entries shall be inserted in columns 1 to 5, namely:—

"(1)	(2)	(3)	(4)	(5)
Linemen, Wiremen, Line Riders, Mechanics, Cable Jointers and Sub-Inspectors.	Officer of Junior Time Scale of Telegraph Engineering Service, Class I and Telegraph Engineering and Wireless Service, Class II.	Officer of Junior Time Scale of Telegraph Engineering Service, Class I and Telegraph Engineering and Wireless Service, Class II.	All	Divisional Engineer, Phones; Traffic Superintendent; Divisional Engineer, Telegraphs.
		Engineering Supervisor.	(i) to (iii).	Officer of Junior Time Scale of Telegraph Engineering Service, Class I and Telegraph Engineering and Wireless Service, Class II."

[No. 44/21/60-Disc.]

D. K. AGARWAL,
Assistant Director General.

(Department of Posts and Telegraphs)**(P. & T. Board)***New Delhi, the 26th September 1963*

S.O. 2832.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st November, 1963 as the date on which the Measured Rate System will be introduced in Jammu and Srinagar Telephone Exchanges.

[No. 31/9/61-PHB.]

New Delhi, the 28th September 1963

S.O. 2833.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st November, 1963, as the date on which the Measured Rate System will be introduced in Pondicherry Telephone Exchange.

[No. 31/23/63-PHB.]

S. RAMA IYER,
Assistant Director General (PHB).

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi the 26th September 1963*

S.O. 2834.—In exercise of the powers conferred by sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3178, dated the 15th October, 1962, namely:—

In the Table annexed to the said notification, against serial No. 12, in column 3 for the entries "The States of Madras and Mysore", the entries "The States of Madras, Mysore and the Union territory of Pondicherry" shall be substituted.

[No. F. 1/50/63-LR.I.]

S.O. 2835.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Lakshmi Commercial Bank Limited and their workmen which was received by the Central Government on the 18th September, 1963.

**BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
(CENTRAL) CHANDIGARH**

Reference No. 3/C of 1963

BETWEEN

The employers in relation to the Lakshmi Commercial Bank Limited and their workmen.

PRESENT:

Shri Prem Rattan Bhatia—for the workmen.

Shri Manohar Lal Bagai—for the management.

AWARD

An industrial dispute having come into existence between the management of M/s. Lakshmi Commercial Bank Ltd. on the one hand and their workmen on the other the same was referred to me for adjudication by the Central Government

Vide Notification No. ———, dated 19th June, 1963. The only item of dispute as mentioned in the said Notification is as under:—

Whether the management of Lakshmi Commercial Bank Limited was justified in terminating the services of Shri Brij Bhushan Julka, Clerk Yamna Nagar Branch in April 1963? If not, what relief is he entitled to?

Usual notices were issued to the parties in response to which the workmen filed their detailed statement of claim and the management filed their written statement to the same.

On the pleadings of the parties the following two issues arose and they were framed on 9th August 1963, when the case came up for hearing at Yamna Nagar:—

1. Whether the management of Lakshmi Commercial Bank Ltd. was justified in terminating the services of Shri Brij Bhushan Julka, Clerk, Yamna Nagar Branch in April, 1963? If not, what relief is he entitled to?
2. What is the effect of the previous award of the Labour Court on the present case and cannot Issue No. 1 be tried in view of the previous award?

Parties were directed to lead evidence on the said issues on 6th September 1963. Before the said date, however, they came to mutual settlement and reduced the terms of the same into writing on 2nd September, 1963. In terms of the said settlement I make my award as follows:—

1. The management will reinstate Shri Brij Bhushan and shall pay him a sum of Rs. 100/- as compensation in full and final settlement of his past claims.
2. Shri Brij Bhushan shall be entitled to the benefits of continuity of service.
3. This will have effect from 2nd September 1963 i.e., the date of the mutual settlement.

The 16th September 1963.

(Sd.) K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal (Central), Chandigarh.
[No. 51(26)/63-LRIV.]

S.O. 2886.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the industrial dispute between the employers in relation to the Central Bank of India Limited and their workmen which was received by the Central Government on the 19th September, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE NO. 67 OF 1961

PARTIES:

Employers in relation to the Central Bank of India Ltd.

AND

Their workmen.

PRESENT:

Sri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers—Sri B. D. Mehra, Agent, Central Bank of India.

For the Workmen—Sri Sheo Shankar Prasad, General Secretary, Bihar Provincial Central Bank of India Employees' Association, Muzaffarpur.

STATE: Bihar.

INDUSTRY: Banking.

Camp: Patna, dated the 18th July, 1963

AWARD

Ministry of Labour and Employment, Government of India, by its Order No. 51(29)61-LR-IV, dated the 22nd August, 1961, referred, under Section 10(1)(d) of The Industrial Disputes Act, 1947, (hereinafter referred to as the Act) for adjudication to this Tribunal, the industrial dispute existing between the employers in relation to the Central Bank of India Limited and their workmen in respect of the matter specified in the schedule annexed thereto. Subsequently, the Ministry by its Order, dated the 12th June, 1963, amended the reference by omitting the words 'after 17th November, 1960' at the end of the schedule. The industrial dispute referred to this Tribunal for adjudication, as amended on 12th June, 1963, therefore, stands in the following terms:

"Whether by virtue of the duties performed by them/Sarvashri B. P. Mehta, Shyam Sunder Prasad, Hari Narayan, K. P. Singh Cashiers in the Bank are entitled to the special allowance as prescribed for Assistant Cashiers in the award of the All India Industrial Tribunal (Bank Disputes), as modified by Section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955, and, if so from what date?"

2. It may be mentioned at the outset that the aforesaid employees namely, Hari Narayan, belonging to the Patna branch of the Bank, has not put forward any claim nor has he appeared or filed any written statement nor appeared at the time of the hearing of the case nor has examined himself. The Bihar Provincial Central Bank of India Employees' Association, Muzaffarpur, which is representing the other three employees concerned, namely, S. S. Prasad, B. P. Mehta, and K. P. Sinha, is not representing Sri Hari Narayan, and, therefore, there is no evidence to show the nature of the duties performed by him or to show that he did any work over and above his routine duty so as to entitle him to the benefit of para. 164(b) item 5 or item 6 of the Award by All India Industrial Tribunal (Bank Disputes), better known as Sastry Award, which admittedly came into effect on and from 1st April 1954, and, as such, the reference in respect of Sri Hari Narayan must be answered against him by holding that there is no evidence to hold him entitled to the benefit of Para 164(b) items 5 or 6 of the Sastry Award.

3. As regards the remaining three above named, employees of the Bank, the Union, on their behalf, filed a written statement on 8th August 1962, in which in para 7 the duties done by S. S. Prasad Assistant Cashier of the Muzaffarpur Branch of the Bank, over and above his routine duties of receipt and payment, are specified; in para 8 similar duties performed by B. P. Mehta, Assistant Cashier of Muzaffarpur Branch of the Bank, over and above his routine duties, are specified; and in para 9 the duties performed, over and above his routine duty of receipt and payment done, by Sri K. P. Sinha, Assistant Cashier of Samastipur Branch of the Bank are specified. The case of the workmen is that, in view of the duties specified in paras. 7, 8 and 9 of their written statement, the aforesaid three Assistant Cashiers are entitled to the special allowance provided in para 164(b) of the Sastry Award under Item 5 or Item 6, as may be applicable, to the individual employee concerned, at the rate of Rs. 16 or Rs. 12 per month for doing many work, over and above their routine duties, as the Central Bank of India is admittedly an 'A' Class Bank.

4. The Bank also filed its written statement by way of rejoinder on 30th August, 1962, in which in paras 8 and 9 it dealt with the case of the three workmen concerned, mentioned in paras 7, 8 and 9 of their written statement, and, submitted that the duties specified by the workmen in clauses (a), (b), (d) and (e) are part of the routine duties of the Head Cashier and these duties are not performed by the employees concerned and the rest of the duties, namely, item (c) in case of all the three workmen and items (f) and (g) in the case of the first two, namely, B. P. Mehta and S. S. Prasad, are some of the routine duties of the workers concerned, and, therefore, they are not entitled to any special allowance, in that, these duties are not above the level of routine works. The specific duties alleged in paras 7, 8 and 9 of the written statement of the concerned employees will be reproduced in extenso later while dealing with individual cases.

5. Before the Tribunal the Bank was represented by Sri B. D. Mehra, Agent of the Central Bank of India at Muzaffarpur, and, the three employees were represented by Shri Sheo Shankar Prasad, General Secretary of the Association.

6. In support of its case, the Bank filed documents which were marked Exhibits M to M.6 and also examined Sri B. D. Bhattacharjee, Chief Accountant, M.W.1 and Sri S. C. Roy Choudhury, Sub-Agent, Samastipur Branch of the Bank, M.W.2.

7. The employers concerned also examined Sri B. P. Mehta, W.W.1; Shri S. S. Prasad W.W.2; Sri K. P. Sinha, W.W.3; Sri Wedyi Thakur, Clerk, Samastipur Branch of the Bank W.W.4; and Sri Binda Thakur, W.W.5, Assistant Cashier, Muzaffarpur Branch of the Bank, who proved several documents. They also filed documents, which were exhibited and marked as Exhibits W. to W.38. It may be mentioned here that the documents of both the parties were taken in evidence and marked as Exhibits for the respective parties with mutual consent of both the parties.

8. Sri Mehta, on behalf of the Bank, raised certain preliminary objections to the maintainability of the reference which I propose to decide first before going into the merits of the reference.

9. The first objection was that the Reference was bad, because the Ministry had no jurisdiction to amend the reference made on 22nd August 1961 after such a long time, after both the parties had filed their written statements and after the case had already started on 13th March 1963 and the case remained part heard as late as on 12th June 1963.

In order to appreciate this objection it is necessary to mention a few facts. The original reference contained the words 'after 17th November 1960' at the end of the reference, which meant that the Tribunal was asked to decide, if it held that the workmen concerned were entitled to special allowance, from what date after 17th November 1960. By the amendment of 12th June 1963 the words 'after 17th November 1960' were deleted and thereby the Tribunal was given wider powers to give effect to its award, if it found the employees concerned to be entitled to special allowance, from the date when the Sastry Award came into operation, i.e. from 1st April 1954. The reason why the Government made this amendment was that the original claim of the employees of the Bank was that they were entitled to special allowance from the first April 1954, when this Sastry Award came into effect, because the main grievance of the employees was that in spite of the award of the Sastry Tribunal it had not been implemented. But by mistake it appears the Government inserted 17th November 1960, which on representation of the employees, later was corrected and the words 'after 17th November 1960' were omitted.

On behalf of the Bank reliance was placed on the decision of the Supreme Court in the *State of Bihar Vs. D. N. Ganguly*, A.I.R. 1958 S.C. 1018—1958 (II) L.L.J. 634, in which it was held that the Act does not expressly confer any power on the appropriate Government to cancel or supersede a reference made under Section 10(1) of the Act, nor, can such a power be claimed, by implication, on the strength of Section 21 of the General Clauses Act. This case, in my opinion, has no application here, for the simple reason that the Reference made under Section 10(1) has neither been cancelled nor superseded. Here, what has been done is that an obvious mistake has been corrected and such a correction, in my opinion, could be made by Government. The appropriate Government has got power to add to or amend the order of reference made under Section 10(1) of the Act provided thereby it does not supersede or cancel the prior order of reference. In the instant case, the erratum which was issued, was only to correct the office mistake in the order of Reference. There is, therefore, no substance in this objection.

10. It was not argued, in the above connection by Sri Mehra that as the effect of omitting the words 'after 17th November 1960' is to enable the Tribunal to give retrospective effect to its award, if, and when it made in favour of the concerned employees and made it effective from 1st April 1954 when the Sastry Award came into operation and that this correction made by Government on 12th June 1963 cannot be considered to be an incidental mistake so as to empower the government to correct such mistake *sub muto*, if, and when, pointed out by the party concerned.

In support of his above contention Shri Mehra relied on Section 10(4) and Section 10(5) of the Act and on a decision of Mr. Justice P. B. Mukherji of the Calcutta High Court in *Workmen of Bengal Electric Lamp Works Ltd. Vs. Bengal Electric Lamp Works and others* 1958 (I) L.L.J. 571, in which it was held that:

"The Tribunal has jurisdiction to adjudicate only on the points of dispute specified by the Government

The expression 'and matters incidental thereto' appearing in Section 10(4) of the Act includes incidental matters. Retrospective matters are not incidental matters. These expressions in the section are to be

read prospectively unless the actual terms of reference indicate either expressly or by the most compelling and necessary implication any other conclusion giving jurisdiction to the Tribunal to pass orders retrospectively. Normally the ordinary principle of construction should be followed and that is that the prospective interpretation is to be preferred to a retrospective interpretation unless the retrospective is expressly or by necessary implication indicated."

In the aforesaid Calcutta case, the Tribunal, in its award stated "the Union's claim is that the workers should be paid full wages of Rs. 66 per month retrospectively since the date they gave full production. This claim is not covered by the issue as referred to this Tribunal."

On these facts, His Lordship held that the Tribunal rightly declined its jurisdiction in this case to go into the question whether it should be given retrospectively and as such dismissed the application under Article 226 of the Constitution against the said Award summarily.

In my opinion, these facts have no application here. Here, as stated earlier, the claim of the workmen from the very beginning is that the Sastry Award should be implemented and they should be given special allowance from the 1st April 1954, when the Sastry Award came into effect. This was their claim throughout and also before the Ministry but by mistake, instead of mentioning the 1st April 1954 or not mentioning any date at all, when a reference to Sastry Award had already been made in the Reference, the date of 17th November 1960 was mentioned and when the mistake was pointed out on behalf of the workmen the mistake was corrected.

In these circumstances, in my opinion, by omitting the words 'after 17th November 1960' no question of retrospectivity has been raised. As the said correction was an entirely an incidental one and as such the Government had the power to correct this mistake. I, therefore, hold that the amendment was only a correction of an obvious error and mistake in the order of reference and therefore the Government had the power to correct such a mistake. The objection raised by Sri Mehra is one of form and is without any substance and, therefore, it is rejected.

11. The *Second objection* raised was that the present reference should have been made under Section 36A of the Act and not under Section 10(1)(d) of the Act, and, therefore, on this ground also the Reference was bad. In my opinion, there is no substance in this objection also. Section 36A gives power to the appropriate Government, if in its opinion any difficulty or doubt arises as to the interpretation of any provision of award or settlement, to refer the question to the appropriate authority as it may deem fit. In the present case, there is no question of any difficulty or doubt regarding the interpretation of para 164(b) of the Sastry Award at all. Chapter 10 of the Sastry award deals with Special Allowances and paras 161 to 169 are dealt with under it. Para 162 provides that persons with *special qualifications* or skill required for discharging work carrying with it greater responsibility than routine work should definitely have higher emoluments than an ordinary workman. It then mentions three ways by which this extra payment may be provided for. Para 164 deals with certain categories of employees who, according to the Sastry Award, deserve to be specially considered as fit for special allowances and amongst these categories are Cashiers (other than routine clerks). In sub-para (b) of Para 164 Sastry Award deals with other categories of employees, which are set out in the list under serial numbers 1 to 9 thereunder. The relevant portion of para 164(b) is to the following effect:

Categories of employees	Class of Banks		
	A.	B.	C.
5. Assistant Cashiers (above the level of routine clerks). Units of 5 clerks and above.	16	14	9
6. Assistant Cashiers (above the level of routine clerks). Units of 4 clerks and below.	12	10	7

NOTE.—In case where an employee comes within more than one category he should be entitled to the highest rate applicable to him.

Here, we are only to decide whether by the nature of the duties performed by the three employees concerned, they are entitled to special allowances mentioned in para 164(b) items 5 or 6 of the Sastry Award and nothing more. In this view of the matter, in my opinion, there was no question of any interpretation of the Award so that it could be said that doubt or difficulty had arisen as to its interpretation so as to make it imperative for the government to make a reference under Section 36A of the Act. The only existing industrial dispute between the parties was whether the employees concerned were entitled to the benefit of para 164(b) of the Sastry Award and nothing more and such a dispute could only be referred for adjudication under Section 10(1)(d) of the Act. For these reasons, in my opinion, the present reference under Section 10(1)(d) is quite competent, in that, Section 36A of the Act did not apply to the facts of the case.

12. The *third objection* put forward by Shri Mehra was that the proper remedy for the workmen was to make an application under Section 33C of the Act and not to get a reference made under Section 10(1)(d) of the Act and therefore on this count also the present reference under Section 10(1)(d) of the Act was incompetent. A mere reading of Section 33C itself will make out that this objection is devoid of any merit. Section 33C(1) provides that where any money is due to workmen under a settlement or an award or under the provisions of Chapter VA the workman may without prejudice to any other mode of recovery make an application to the appropriate authority for the recovery of the money due to him and if the appropriate Government is satisfied that any money is so due it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue. Section 33C(1), therefore, contemplates that money should be due to a workman from an employer under a settlement or an award or under the provisions of Chapter VA and then only the workman is entitled to make an application for recovery of the money to the appropriate authority. Section 33C, therefore, plainly contemplates that the money should have been ascertained and made payable and unless it is done the question of application of Section 33C does not come in. In the instant case, it has not yet been decided either under a Settlement or an award or under the provisions of Chapter VA that the workman is entitled to any sum and if so, to what extent. Unless it is fixed and it becomes ascertainable no application under Section 33C can be made. Only after an award is made by the Tribunal and if it finds that the workmen are entitled to any money due under that award and if it fixes the actual amount due to them, the workmen concerned will be entitled to claim the amount, after the employer's failure to implement the award, by making an application under Section 33C of the Act, to recover the money so due. That stage has not yet been reached. The present reference, therefore, is perfectly maintainable.

13. In the above connection, it was contended by Sri Mehra that Sri B. P. Mehta claimed Rs. 2,606-16 nP. as per account Exhibit W.4, Shri S. S. Prasad claimed Rs. 2,303-49 nP. as per account Exhibit W and Sri K. P. Sinha claimed Rs. 2,346-20 nP. as per account Exhibit W.10 and, therefore, it was argued, that these sums being ascertained and definite sums claimed by them, the remedy of the employees concerned was to recover the said amounts by making applications under Section 33C of the Act. In my opinion, there is a fallacy in this argument. This is the claim made by the three employees concerned on the basis that two (Shri B. P. Mehta and Shri S. S. Prasad) were entitled to special allowance at the rate of Rs. 16 per mensem, and Sri K. P. Sinha at the rate of Rs. 12 per mensem and on that basis they have made out accounts Exhibits W to W.3 Shri S. S. Prasad; Exhibits W, Exhibits W.4 to W.7 (Shri B. P. Mehta), and Exhibits W.9 to W.11 (Shri K. P. Sinha); and alleged that these were the amounts payable to each of them. But the question whether the said employees were entitled to special allowance at the rate of Rs. 16 or Rs. 12 per month has to be decided and an award given by the Tribunal and it is only after that that the concerned employees will be entitled to claim it and not before. There is, therefore, no substance in this objection also.

14. Most of the above objections of Shri Mehra are met also by the decision of the Supreme Court in *Central Bank of India Vs. P. S. Rajagopalan*, 1963 (II) L.L.J. 89.

15. The *fourth objection* was that the present dispute was an individual dispute and not an industrial dispute and therefore the Tribunal was incompetent to entertain and decide it.

The test to find out when a dispute between employer and a single workman can become an industrial dispute has been laid down by the Supreme Court in several cases but the latest one is the case of *Bombay Union of Journalists Vs.*

Hindu, Bombay, A.I.R. 1963 S.C. 318—1961-II. L.L.J. 436. It is well settled, by the just mentioned decision of the Supreme Court, as also by the other decisions of the Supreme Court referred to therein, that a dispute between an employer and a single employee cannot *per se* be an industrial dispute but it may become one if it is taken up by the Union or a number of workmen, who support the case of the workmen who are directly and substantially interested in the dispute and this should depend on the facts and circumstances of each case. Persons who are not employees of the same employer cannot be regarded as so interested that by their support they may convert an individual dispute into an industrial dispute. In such a case in ascertaining whether an individual dispute has acquired the character of an industrial dispute the test is whether on the date of the reference the dispute was taken up or supported by the Union of the workmen of the employer against whom the dispute is and supported by appreciable number of workmen. If the dispute was in its inception an individual dispute and continued to be such till the date of the reference by the Government it could not be converted into an industrial dispute by support subsequent to the reference by workers interested in this dispute. Therefore, subsequent withdrawal of support will not take away the jurisdiction of an Industrial Tribunal. On the same reasoning, subsequent support will not convert what was an individual dispute at the time of reference into an industrial dispute.

16. Let us now apply these tests to the present case and find out what is the position here. It may be mentioned, as will appear from Exhibit M. 3 dated 6th September, 1960, that the General Secretary of the Bihar Provincial Central Bank of India Employees' Association, Muzaffarpur branch, wrote a letter on 6th September 1960, to the General Manager of the Central Bank regarding special allowances to Head Cashiers and the Assistant Cashiers. In this letter, three Assistant Cashiers mentioned are B. P. Mehta, Hari Narain and K. P. Sinha and it is said that they, by virtue of their being old and experienced, are working above the level of routine clerks, and therefore, they were entitled to special allowance of Rs. 16/- per month since the date of the Sastry Award. Sri Mehra relied on this letter Exhibit M. 3 in order to show that in this letter the case of Sri S. S. Prasad is not mentioned. It may, however, be mentioned that in Exhibit M. 3 the case of all the Assistant Cashiers is dealt with but, as examples, the names of B. P. Mehta, Hari Narayan and K. P. Sinha were mentioned and, therefore, on the basis of Exhibit M. 3 it is not correct to say that the dispute was only in respect of two, namely, B. P. Mehta and K. P. Sinha, with whom we are at present concerned in the reference. It will further appear from the Failure Report of the Conciliation Officer dated 27th February, 1961, that when the Union did not receive any reply to its letter Exhibit M. 3, from the Bank it referred the matter to the Conciliation Officer on 28th December, 1960, and, thereafter, the matter was taken up by the Union before the Conciliation Officer but as there could be no settlement the Conciliation Officer submitted the Failure Report on 27th February, 1961. From this report, it will be found, at page 6 under para (3) under the heading 'Special Allowance for the Assistant Cashiers that all the four workmen, who are concerned in this reference, namely, B. P. Mehta, Assistant Cashier, Muzaffarpur main office; Hari Narain, Assistant Cashier, Patna Sub Branch; K. P. Sinha, Assistant Cashier of Samastipur Sub Branch, and S. S. Prasad, Assistant Cashier, Main Office Muzaffarpur Branch, were mentioned as the persons who claimed special allowances according to the Sastry Award. It is, therefore, plain that the case of these three workmen were taken up by the Union and as such it is not correct to say that the present dispute was an individual dispute and not an industrial dispute within the meaning of Section 2(k) of the Act.

17. The last and the fifth objection of Sri Mehta was that after the deletion of the words "after 17th November 1960", from the reference it tends to legalise the belated claim of the workmen, in as much, they have been claiming special allowance since the 1st April, 1954, when the Sastry Award came into force, and, therefore, such a belated claim cannot be allowed.

The answer to this objection is the decision of the Supreme Court in *Chandramalai Estate, Ernakulam and Its Workmen and another* 1960 (II) L.L.J. 243. In that case, Cumbly allowance, which was paid to the concerned workmen in a Tea Plantation Estate, was stopped from the year 1949 and the workmen in August 1955 demanded payment of such allowance for the years 1949 to 1953 and the same along with other demands was referred for adjudication. The only defence to such demand was that it was a belated one. It was held that when the payment of such allowance has become a condition of service it should not be refused on the ground that the workmen did not raise any dispute when the same was stopped but raised the dispute subsequently after a delay of some years. That is exactly the position here. Although Assistant Cashiers, if they did work beyond the routine work, were entitled to special allowances according to para

164(b) of the Sastry Award since 1st April, 1954, the concerned workmen never made the demand before 1960. But in 1960 they made a demand of their special allowance at the rates mentioned in the Sastry Award from 1st April, 1954, upto date and, therefore, the dispute was referred for adjudication to this Tribunal. In these circumstances, the mere delay in putting forward the claim would not dis-entitle the workmen concerned to the benefit of the Sastry Award, if they were found to be entitled to the same.

18. After having rejected all the five preliminary objections put forward on behalf of the Bank, I will now proceed to consider the case of the three workmen of the Bank, namely, Shri B. P. Mehta, Shri S. S. Prasad, and Shri K. P. Sinha, who only have put forward their claims and contested the reference. I will take the case of each of them separately.

19. *Sri B. P. Mehta.*—Sri B. P. Mehta has examined himself as W.W. 1 and supported his case made out in para 8 of the written statement. He was working as Head Cashier at Sitamari, but subsequently, he was transferred to Muzaffarpur branch where he is working as Assistant Cashier in the main office at Muzaffarpur. Shri B. P. Mehta was working as Head Clerk for at least 10 years before joining Muzaffarpur Branch as Assistant Cashier. In the written statement, in para 8, the duties performed, over and above his routine duties, are specified and they are these:

- (a) Verification of vernacular signatures on cheques drafts and initialling the same as having been verified.
- (b) Attestation of vernacular signatures on cash, clearing and transfer cheques and other negotiable instruments.
- (c) Checking of the Cash Receipt books and counter signing them with cash receipt books.
- (d) Translation into English of vernacular language appearing on cheques and other negotiable instruments.
- (e) Translation of hundies drawn in vernacular and its verifications.
- (f) Receipt of the cheques and other negotiable instruments of the Bank for clearing works.
- (g) Entering of the clearing cheques and other negotiable instruments in clearing registers and preparing all the relative voucher for the same.

The above work performed is supported also by documents. Exhibits W. 20 and W. 21 prove that Sri Mehta was discharging the duties of verification and putting signatures on drafts and initialling the same as having been verified. Exhibits W. 17, 18, 19 prove that Sri Mehta was verifying the signatures in cash clearing section and transfer cheques under negotiable instruments. Exhibits W. 24 and W. 25 show that Sri Mehta was checking cash receipts and checking them with cash receipts vouchers. Exhibits W. 28 and W. 30 show that Sri Mehta was also receiving cheques and other negotiable instruments of the Bank for the clearing work and entering the cheques and other negotiable instruments on the relevant vouchers for the same.

20. *Sri S. S. Prasad.*—He was appointed as Assistant Cashier of Muzaffarpur Branch of the Bank in February 1948 and since then he is working there. In para 7 of his written statement, he has specified the work he is doing, over and above his routine work of receipts and payments. These duties are the same as of Sri B. P. Mehta. They are these:

- (a) Verification of vernacular signatures on cheques, drafts and initialling the same as having been verified.
- (b) Attestation of vernacular signatures on cash, clearing and transfer cheques and other negotiable instruments.
- (c) Checking of the Cash Receipt books and countersigning them with cash receipts books.
- (d) Translation into English of vernacular languages appearing on cheques and other negotiable instruments.
- (e) Translation of hundies drawn in vernacular and its verifications.
- (f) Receipts of the cheques and other negotiable instruments of the Bank for clearing works.
- (g) Entering of the clearing cheques and other negotiable instruments in clearing registers and preparing all the relative vouchers for the same.

The documents filed on behalf of the workman supports the duties specified as above. Exhibit W.26 shows that his routine work is of making payments. Exhibits W. 22 and W. 23 show that he was performing verification of vouchers/cheques and initialling the same as having been verified. Exhibit W. 27 shows checking of cash receipt and other vouchers. Exhibits W. 29 and W. 31 show receipts of the cheques and other negotiable instruments of the Bank for clearing works and entering them in the clearing registers and preparing all the relative vouchers for the same.

21. *Sri K. P. Sinha*.—He was appointed as Assistant Cashier in the Bank of the Samastipur Branch in 1950. The work done by him, over and above his normal duty of the receipt and payments, is mentioned in para 9 of his written statement and the said duties are these:

- (a) Verification of vernacular signatures on cheques, drafts and initialling the same as having been verified.
- (b) Attestation of vernacular signatures on cash, clearing and transfer cheques and other negotiable instruments.
- (c) Checking of the Cash Receipt books and counter-signing them with cash receipt books.
- (d) Translation into English of vernacular languages appearing on cheques and other negotiable instruments.
- (e) Translation of hundies drawn in vernacular and its verifications.

22. The Chief Accountant of the Bank at Muzaffarpur Branch *Sri Bansidhar Bhattacharjee, M.W. 1* has admitted that these two workmen *Sri B. P. Mehta* and *Sri S. S. Prasad* are doing the work alleged by them in paras 7 and 8 of their written statement. In this connection, *M.W. 1 Shri B. D. Bhattacharjee*, stated:

"These two workmen of Muzaffarpur concerned (*B. P. Mehta* and *S. S. Prasad*) are also doing verification, attestation, etc. as enumerated in the statement submitted by the workmen before the Tribunal besides other cashiers. In case of any lapse on the part of the cashiers while verifying the signatures, receipts or payment of cash and in performance of any other duty allotted to them, the charge sheet, if any, is required to be given, are given by the Bank in consultation with the Treasurer. I admit that documents marked on behalf of the workmen have been verified (in case of cheques) signed (in case of registers) by *B. P. Mehta* and *S. S. Prasad*".

There is no dispute that the duties alleged by these workmen in paras 7 to 9 of the written statement are done by them. *Sri Mehra*, who represented the Bank, also admitted this position. His only case was, *first*, that these workmen concerned had no special skill and that the work done by them did not require any extra skill or responsibility; and *secondly* that these works mentioned in their written statement by these workmen and admitted by the Bank's witness *M.W. 1* and *Sri Mehra*, were routine work and as such they were not entitled to any special allowance for doing these duties.

23. On the arguments of *Sri Mehra*, and on the case presented in the argument before the Tribunal by him, therefore, the dispute boils down to the consideration of only two questions, namely, (1) whether these three workmen concerned had any special skill or knowledge so as to be entrusted with this work and whether the work entrusted required any extra skill or responsibility, and, (2) whether these duties were routine work of the workmen concerned.

Question No. (1)—

24. *Shri B. P. Mehta* was Head Cashier at least for 10 years before joining the Muzaffarpur Branch as Assistant Cashier. This clearly shows that he gained good knowledge and experience of the work, which he mentions that he has been doing in his written statement.

Shri S. S. Prasad another Assistant Cashier of the Central Bank at Muzaffarpur was appointed as Assistant Cashier in February 1948 and since then he has been doing these duties. It is the admitted case that *Shri S. S. Prasad* is working as Assistant Cashier since 1948 and before joining service of the Central Bank, *Shri S. S. Prasad* was working as Assistant Cashier in the Hindusthan Commercial Bank as will appear from his evidence *W.W.2*. He had also thus sufficient opportunity and long experience to acquire full knowledge of doing the work he has been doing.

The Chief Accountant of the Bank of Muzaffarpur Branch, M.W. 1 said that Shri S. S. Prasad or Shri B. P. Mehta had no special skill over other cashiers who attend to routine jobs and further that there are about 5 or 6 cashiers senior to Shri S. S. Prasad in the Cash Department. He further denied a suggestion made to him that Shri B. P. Mehta and Shri S. S. Prasad, on account of their being at Muzaffarpur for a longer period than other Senior Cashiers were entrusted with the job of verification of cheques and they are still continuing to do the same. It will appear from Exhibit M. 5, which is a statement of cashiers showing the date of joining, transfers, etc., of the Bank at Muzaffarpur that Shri B. P. Mehta joined on 1st January, 1940 and he was transferred from Sitamarhi office and posted at Muzaffarpur on 5th December, 1959. Shri S. S. Prasad joined on 1st February, 1948 and his first posting was at Muzaffarpur in the Cash Department and since then he was working. Other cashiers at serial Nos. 2, 3, 4 and 6 to 11 were all posted at Muzaffarpur after 1949. In my opinion, Exhibit M. 5 supplies the reason why Shri B. P. Mehta, who was senior most among the cashiers, as he was appointed as far back as 1940, and Shri S. S. Prasad, who was posted as far back as 1948, were given these works in preference to the other persons who came after him. In my opinion, on this question the evidence of the workmen concerned W.W. 1 and W.W. 2 are correct as they are supported by Exhibit M. 5. If these works did not require extra skill or responsibility what was the reason that these works were entrusted to Shri B. P. Mehta and Shri S. S. Prasad when other qualified cashiers were working at Muzaffarpur? No explanation is forthcoming. Similar is the case of Shri K. P. Sinha. The Bank has filed a statement of cashiers at Samastipur branch showing the date of joining, transfers, etc. Exhibit M. 6, which shows that Shri K. P. Sinha joined on 4th August, 1950, and was posted at Samastipur branch in August 1950 in the Cash Department and since then he was working there. It will further appear that at Samastipur Serial Nos. 1 and 2 were senior to Shri K. P. Sinha. The fact that Shri K. P. Sinha was allowed to do the work which was admitted to have been done by him in his written statement. It further appears from the evidence of Shri K. P. Sinha W.W. 3 that he was appointed as Head Cashier in Nath Bank in 1944 and he came to the Central Bank in 1950 as Assistant Cashier and since then he was here. That clearly shows that he had sufficient experience and extra skill and therefore he was entrusted with this work in preference to other persons senior at Samastipur.

25. It may be mentioned here that the Bank did not produce any document such as office order or the like to show as to what was the routine work of an Assistant Cashier and what was his duties over and above their routine work. Simply denying the allegation of the three workmen concerned that the work done by them and admitted by the Bank to have been done by them, as mentioned in paras 7 to 9 of the written statement, are not over and above the routine work, is not at all sufficient when there is absolutely no evidence, by way of documents, to support the said denial. The two witnesses of the Bank M.W. 1 and M.W. 2 have come forward to deny this but as against them are the three workmen concerned. In these circumstances, the Tribunal has difficulty in defining and finding out what was the routine work of Assistant Cashier and what duty is over and above routine work. In spite of being asked repeatedly by the Tribunal, Shri Mehra did not place any document and he only said that there was no document whatsoever in the Bank in the shape of register of allotment of work or office order the like to show what were the routine work of Assistant Cashiers and what duties were over and above the routine work which normally admittedly was done by Cashier but used to be done by Assistant Cashiers also from time to time.

It is true that in para 161 as well as in para 162 of the Sastry Award it has been mentioned that there are certain posts for which an incumbent requires special qualification or skill for the efficient discharge of his duties and that such persons with the special qualification or skill required for discharging the work carrying greater responsibility than routine work should definitely have higher emoluments than an ordinary workman. But when it is admitted on behalf of the Bank that the duties alleged by the workmen in paras 7 to 9 of their written statements are the normal work done by a Cashier it clearly shows that these duties require skill or responsibility, and, therefore, in the ordinary course they are to be done by Cashier but when circumstances require these works requiring special qualification or extra skill are entrusted to be done by Assistant Cashiers who possessed special extra skill and responsibility. That appears to be the only conclusion to which on the evidence on record one can arrive at. For these reasons, I answer question No. (1) posed by me in para 23 above by holding that these three employees concerned had special skill and knowledge so as to be entrusted with the works mentioned before and that these works required extra skill and responsibility and that the works done by Assistant Cashiers, mentioned in paras 7 to 9 of their written statement and admitted by the Bank

are over and above their routine work and as such these works entitled them to special allowance according to para 164(b) of the Sastry Award. I, therefore, held accordingly.

Question No. (2)—

26. The next question is from what date they should be held entitled to these special allowances. Sastry Award came into operation on and from 1st April, 1954. These workmen claim special allowance with effect from 1st April, 1954. It was contended by Sri Mehra that these workmen were doing these works not every day but from time to time and, therefore, at the most they were entitled to get the special allowance for the day on which they worked. The Bank, however, has not produced its account from 1954 onwards till before 1959 in order to show if their case that these workmen did above works not every day but on certain days in a week or in certain weeks in a month or in certain month of the year. In these circumstances, it is not possible to give effect to the contention of the Bank in vacuum when there is no material whatsoever. The documents which have been filed and exhibited on behalf of the workmen show that they have been consistently doing the work alleged by them. For these reasons, in my opinion, these workmen are entitled to special allowance with effect from 1st April, 1954, when the Sastry Award came into effect, in accordance with paragraph 164(b) of the Award.

27. I may mention that Sri Mehra relied very strongly on agreements Exhibits M. and M 1 executed between the Bank and its Treasurers. But, in my opinion, they have absolutely no relevance on the points under consideration and as pointed out in the course of the argument to Sri Mehra, they have no bearing as they make no reference about routine work or the work over and above routine work done by Assistant Cashiers or their special allowance or the like as admitted by Sri Mehra himself.

28. The result, therefore, is that the reference is answered partly in favour of the management as far as Hari Narayan is concerned and partly against the Bank, as far as the remaining three workmen, namely, Sarvashree B. P. Mehta, S. S. Prasad and K. P. Sinha, are concerned. I make my award as below:

29. (1) The management of Central Bank of India Limited shall pay to Sarvashree B. P. Mehta and S. S. Prasad, Assistant Cashiers at the main office at Muzaffarpur, special allowance at the rate of Rs. 16/- per month payable to Assistant Cashiers according to item 5 of Para 164(b) of the Sastry Award from 1st April, 1954 after deducting any special allowance paid to them by the Bank during this period. (2) The management of Central Bank of India Ltd. shall pay Shri K. P. Sinha, Assistant Cashier, Samastipur Branch, special allowance at the rate of Rs. 12/- per month payable to Assistant Cashiers according to item 6 of para 164(b) of Sastry Award from 1st April, 1954 after deducting whatever amount, if any, the Bank might have paid to him by way of special allowance during this period: (3) There will be no order for costs.

30. This award must be implemented within one month from the date of the award becoming effective after its publication under Section 17 of the Act.

31. This is my award which I make and submit to the Government of India under Section 15 of the Act.

CAMP: Patna,
The 19th July, 1963.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

[No. 51(29)/63-LRIV.]

New Delhi, the 27th September 1963

S.O. 2837.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Sarvashri Rampharat Dusad, Barhan Mandal, Nindo Sao

and Alijan Meah C/o Hindustan Khan Mazdoor Sangh, Post Office Kusunda, District Dhanbad, which was received by the Central Government on 20th September, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of Complaints under Section 33A of Industrial Disputes Act, 1947, (XIV of 47).

COMPLAINT NOS. 8 AND 10 OF 1963.

(arising out of Reference No. 1 of 1962)

(Complaint No. 8 of 1963).

PARTIES.

I. Shri Rambharat Dusad, Shri Barhan Mandal, Shri Nindo Sao.

(Complaint No. 10 of 1963).

II. Alijan Meah, Workman of Balihari Colliery, c/o. Hindustan Khan Mazdoor Sangh, P.O. Kusunda. Dt. Dhanbad.—*Complainants.*

Vs.

Employers in relation to Balihari Colliery, P.O. Kusunda, Dt. Dhanbad.—*Opposite party.*

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

APPEARANCES:

None.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Ranchi, dated the 4th September, 1963

AWARD

These two complaints were filed by the workmen concerned under Section 33A of The Industrial Disputes Act, 1947, and they are pending disposal by this Tribunal.

2. On 29th August, 1963, both the parties filed a joint petition of compromise separately in each case mentioning therein their agreed minutes and prayed that an award in terms of the said compromises be passed in each of these two complaints.

3. According to the compromise, all the complainants concerned in these two complaints have been re-instated with continuity of service with immediate effect and their entire period of absence has been treated as leave without wages.

4. I have considered the terms and I find that they are quite reasonable and fair and, therefore, I accept the compromises and pass an Award in terms thereof. Both the petitions of compromise are marked as Annexures 'A' and 'B' and made a part of the Award, which I am making in terms of these two compromise petitions in these two complaints.

5. This is the award which I make and submit to the Central Government under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Govt., Industrial Tribunal,

Dhanbad.

ANNEXURE 'A'.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL, DHANBAD.

Complaint under Section 33A of Industrial Disputes Act, 1947.

COMPLAINT No. 8 OF 1963.

1. Shri Rambharat Dusad, 2. Shri Barhan Mandal, 3. Shri Nindo Sao, Workmen, c/o. Hindusthan Khan Mazdur Sangh, Balihari Colliery, P.O. Kusunda, Dt. Dhanbad—*Complainants*.

Vs.

The Employers in relation to Balihar Colliery, P.O. Kusunda, Dt., Dhanbad.—*Opposite party*.

In the matter of Reference No. 1 of 1962.

The petitioners most humbly showeth:

That the petitioners have come to an agreement on the above matter on the following terms and conditions:

1. That the workmen will be reinstated with continuity of service with immediate effect.

2. That the entire period of absence will be treated as leave without wages.

It is, therefore, prayed that this agreement may be taken as the terms of your Award.

And for this Act of your kindness your petitioners as in duty bound shall ever pray.

For the workmen:

Sd./- S. V. ACHARIAR,

Secy.,

Hindusthan Khan Mazdoor Sangh.
16-5-1963.

For and on behalf of the Employers:

Sd./- O. P. VARMA,

Dy. Chief Personnel

Officer. 16-5-1963.

ANNEXURE 'B'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL, DHANBAD

Complaint under Section 33A of Industrial Disputes Act, 1947.

COMPLAINT No. 10 OF 1963.

Shri Alijan Meah, workman c/o. Hindusthan Khan Mazdoor Sangh, Bali-hari Colliery, P.O. Kusunda, Dt. Dhanbad—*Complainants*.

Vs.

The Employers in relation to Balihar Colliery, P. O. Kusunda, Dt. Dhanbad.—*Opposite party*.

In the matter of Reference No. 1 of 1962.

The petitioners most humbly showeth:

That the petitioners have come to an agreement on the above matter on the following terms and conditions:

1. That the workmen will be reinstated with continuity of service with immediate effect.

2. That the entire period of absence will be treated as leave without wages.

It is, therefore, prayed that this agreement may be taken as the terms of your Award.

And for this Act of your kindness your petitioners as in duty bound shall ever pray.

For the workmen:

Sd./- S. V. ACHARIAR,

Secy.,

Hindusthan Khan Mazdoor Sangh.
16-5-1963.

For and on behalf of the Employers:

Sd./- O. P. VARMA,

Dy. Chief Personnel

Officer. 16-5-1963.

S.O. 2838.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial disputes between the employers in relation to the West Chirimiri Colliery of Messrs Indra Singh & Sons (Private) Limited, Chirimiri and their workmen, which was received by the Central Government on the 21st September, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY.

REFERENCE No. CGIT-29 of 1963

Employers in relation to Messrs Indra Singh and Sons

AND

Their Workmen Employed in West Chirimiri Colliery

PRESENT

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers.—Shri B. L. Saraf, Advocate in his capacity as Law Secretary and Member of the Executive Committee of the Central India Coal Fields Mining Association, Birsinghpur Pali, instructed by Shri Gurmukh Singh, Manager, West Chirimiri Colliery.

For the workmen.—Shri Gulab Gupta, General Secretary, Madhya Pradesh Colliery Workers' Federation instructed by Shri B. D. Kuldeep, Secretary, West Chirimiri Colliery Branch of the Federation.

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

Bombay, dated 20th September 1963

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 1/15/82-LRII, dated 6th July, 1963, made in exercise of the powers conferred by clause (d) of sub-section (1) on section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), was pleased to refer the industrial dispute between the parties above-named, in respect of the subject-matters specified in the following schedule to the said order:—

SCHEDULE

“Whether the management of the West Chirimiri Colliery of Messrs Indra Singh and Sons is justified in allowing different standards of leave facilities to the various categories of workmen working in the Colliery. If not, to what relief are the workmen entitled?”

2. In his written statement of claim, dated 26th July 1963, the General Secretary of the Madhya Pradesh Colliery Workers' Federation (hereinafter referred to as the Federation), which represents the workmen in this dispute, has urged that in the Korea Coalfield monthly paid workers are enjoying 30 days' privilege leave in a year; that in the West Chirimiri Colliery also most of the monthly paid workers are enjoying 30 days' privilege leave facility; that those workers who are not the members of the management union or who are active workers of the Federation are treated differently and are given only 14 days' privilege leave; that this discrimination is practised among the workers employed in the colliery office and almost all the officers of the West Chirimiri Colliery's Branch of the Federation have been deprived of the higher leave facilities that though under the Standing Orders of the colliery monthly paid workers are entitled to 14 days' leave facilities, this particular clause in the Standing Order has never been enforced like other several clauses of the Standing Orders; that this clearly marked discrimination has created dissatisfaction and disharmony among the workers; that it has resulted in widespread discontentment in the colliery in general and affected the industrial relations which are at a low level; that the discrimination is against the principles of similarity and uniformity which legislative enactments and judicial pronouncements have sought to establish. It is, therefore, submitted that this discrimination is illegal, arbitrary, unjustifiable and unreasonable and the management should, therefore, be directed to grant 30 days' privilege leave to all the monthly paid workers in the colliery.

3. The General Manager of the colliery in his written statement dated 10th August 1963, has denied that the allegations contained in the Federation's statement of claim regarding the existence of a management-sponsored union in this colliery and the so-called anti-union harassing activities of the management against the members of the Federation. He has also stated that the remarks of the Industrial Tribunal, Dhanbad in its Award in Reference No. 3 of 1957, against the management on which the union has relied, are not relevant to the present reference. The company in its written statement has denied that the existing practice in the Korea Coalfield is to grant 30 days' privilege leave in a year to all the monthly paid workers. It has stated that out of about 101 monthly paid employees at the colliery, only the Departmental Heads and the clerks, superior to Grade II, who number in all 16, including the manager and officers of the colliery, enjoy the facility of one month's privilege leave in a year. It has stated that the only exceptions are the four drivers, with regard to whom the company has pleaded special circumstances and reasons for granting them the higher privilege leave of 30 days in the year. The management has stated that from the beginning only the managerial and supervisory personnel, who were not considered "workmen", under the old definition of that term in the Industrial Disputes Act, 1947, and those who happened to shoulder superior responsibilities were granted one month's privilege leave; that only the employee who happened to fall in such a category, at any stage of his employment, was granted 30 days' privilege leave in the year. The management has stated that only those, who, by virtue of their duties being wholly or partly supervisory in nature and those whose duties called for superior responsibility were at first allowed 30 days' privilege leave, but that they have thereafter continued to enjoy the same under the provisions of section 49 of the Indian Mines Act, or under the altered definition of the term "workmen" under the Industrial Disputes Act or any other statute or for any other reason, they were subsequently included in the amended term "workmen". The management has stated that duties of the employees who have been granted 30 days' privilege leave in a year have been such that they could be called to work any time of the day or night without any extra payment and that just as a small compensation for this work at odd hours, they were granted a few extra days of privilege leave and therefore, no question of discrimination arose. It is argued that differentials in privilege leave should not be treated as discrimination because differentials existed also in wages and salaries of the workmen. In paragraph 9 of its written statement the management has given details of the reasons for which the four drivers were granted higher privilege leave of 30 days in the year. The management has contended that the rest of the employees, whether monthly rated or weekly rated, are granted leave in accordance with the provisions of the Mines Act and no discrimination exists in respect of them. It is stated that prior to the amendment in the leave provisions of the Mines Act, the Standing Orders of the company in respect of leave were identical with the provisions regarding leave in the Mines Act and they were uniformly applied to all the workmen of the colliery without any discrimination as alleged by the Federation. It has urged that as the 30 days' privilege leave is inclusive of Sundays and/or holidays the effective leave comes to 25 days and not 30 days as stated by the Federation. It effective leave comes to 25 days and not 30 days as stated by the Federation. It has stated that there is a settlement dated 8th September, 1960 in respect of leave facilities which provides as follows:—

"Agreed that the existing employees mentioned below will be granted with immediate effect leave upto 21 days with pay in a year, provided they qualify for annual leave with wages under the Mines Act. Agreed also that 50 per cent. of additional leave in excess of the statutory leave on the above basis shall be credited to the leave account of these employees in respect of the year 1956, 1957 and 1958:—

1. Clerks in the Colliery Main Office, Stores and Siding.
2. Overman and Head Fitters."

The management has urged that this settlement is still in force and therefore, it is not open to the Federation to raise any demand in respect of leave so long as this settlement is in force and any reference made by the Government on the basis of a demand which is made in violation of the settlement in force at the time of raising of the demand would be illegal.

4. Neither the management nor the Federation led any oral evidence at the hearing of the dispute at Chirimiri on the 28th and 29th August 1963 in support of the various statements they have made in their written statements. With regard to the contention of the management that this reference was not valid because

the leave conditions of the monthly paid staff are governed by the settlement dated 8th September 1960, Shri Gulab Gupta, the General Secretary of the union has submitted that this agreement was terminated by the union's notice dated 25th February 1962 under which the union under the provisions of section 19(6) of the Industrial Disputes Act, 1947 terminated the Award dated 26th May 1956 of the All India Industrial Tribunal (Colliery Disputes), popularly known as the Majumdar Award and all other agreements relating to wages, allowances and other facilities as applicable to this company's colliery. A copy of this notice was produced at the hearing of this dispute on 29th August 1963 and receipt of the same has been admitted by the management. Upon this notice being shown, no further submissions were urged by the management in support of its contention relating to the settlement of 8th September 1960. I am satisfied that by the union's notice dated 25th February 1962, the settlement of 8th September 1960 was also terminated and as already stated this position was not contested by the management after the copy of the notice was tendered at the hearing. I, therefore, reject the objection of the employer company and hold that the reference is valid.

5. Now, with regard to the merits, at the hearing the company filed a statement giving particulars of the monthly paid employees of the colliery who are enjoying 30 days' privilege leave in the year, those enjoying 21 days privilege leave in the year under the agreement of 8th September 1960 and those enjoying leave in accordance with the provisions of the Mines Act. An analysis of this statement shows that of the 29 clerks in the colliery's service, 7 are getting 30 days privilege leave, 9 are getting 21 days' privilege leave and the remaining 30 are getting privilege leave as under the Mines Act. With regard to the drivers, the analysis shows that 3 drivers are getting 30 days privilege leave in a year and 3 are getting privilege leave as under the Mines Act. As regards the workshop employees also there is difference in the quantum of leave available to the same categories of workmen. The overall position with regard to the 101 workmen appears to be that 21 workmen get 30 days' privilege leave, 15 get 21 days' privilege leave and 65 workmen get privilege leave as under the provisions of the Mines Act.

6. The company has stated in paragraph 9 of its written statement the reasons why some of the drivers are getting 30 days' privilege leave. The explanation offered with regard to one driver, Mit Singh is that he has been working with the management since the time of the prospecting of this colliery when there were few facilities available and one month's privilege leave was granted to him as a compensation for the arduous life at the prospecting time and this facility was continued thereafter. With regard to the other 3 drivers it is stated that their services were engaged at Hyderabad along with the services of 7 drivers when a fleet of eight trucks was purchased and that at the time of employing these drivers they demanded 30 days privilege leave and as the Director who appointed them was impressed with their better competence, their demand for 30 days' privilege leave was conceded and that, therefore, as it would have been most unseemly if on arrival at the colliery the proposed pay or facilities were not given, those facilities were continued. I am not much impressed by these explanations which have not been borne out by any documentary evidence in support thereof. I am not satisfied that there is any cogent or satisfactory reason for the different leave standards which the company observes in the matter of the grant of privilege leave. It is never desirable and would lead to industrial unrest if the monthly paid workmen, even of the same category, are given differing periods of privilege leave in the year. The company has argued that the differentials in the grant of privilege leave was inherent in the nature of the jobs but this argument can surely have no validity or force when workmen doing the said job are given different leave. As I have stated earlier there are no printed rules governing the grant of different privilege leave to different workmen of the same categories and, the management was forced into arguing that these are only matters of conventions, an explanation which in my opinion has no validity.

7. The Hon'ble Supreme Court in the case of Rao Bahadur Dewan Badridas vs. Industrial Tribunal, Punjab and Others(1962 II LLJ. p. 366) has observed:—

"Generally, in the matter of providing leave rules, industrial adjudication prefers to have similar conditions of service in the same industry situated in the same region. The fact is that the very same concern provides for better facilities of earned leave to a section of its employees, when other terms and conditions of service are the same in respect of both the categories of employees. It is not difficult to imagine that the continuance of these two different provisions in the same concern is likely to lead to dissatisfaction and frustration amongst

the new employees. It cannot be denied that the existence of industrial peace and harmony and the continuance of the said peace and harmony are relevant factors, but their importance should not be unduly exaggerated...."

Their Lordships of the Supreme Court in this case have laid down two tests for dealing with the demand of labour for enhanced privilege leave. The first is that there should not be any discrimination or differentiation in the quantum of leave granted to workmen of the same categories and the second test is that the leave should be the same as prevailing in the industry in that particular region.

8. As I have already stated earlier, I am satisfied that there is no justifiable reason for the different standards of privilege leave observed by the company to the monthly paid employees of the colliery, who form a section by themselves. With regard to the second test viz. the quantum of leave granted to the monthly paid workers in collieries in this coalfield viz. Korea Coalfield, it was established and admitted at the hearing that out of the 14 collieries in this coalfield, in the 7 collieries of the National Coal Development Corporation, the 3 collieries of the Jhagrakhand Colliery Co. (South Jhagrakhand Colliery, North Jhagrakhand Colliery and West Jhagrakhand Colliery), in the Chirimiri Colliery and the New Chirimiri Ponri Hill Colliery, the monthly paid workmen are granted privilege leave of 30 days in the year. The only other colliery in the region viz. the New Chirimiri Colliery of the United Collieries Ltd. grants privilege leave to its monthly paid workmen as provided by the Mines Act. The Jhagrakhand group of Collieries are granting 30 days' privilege leave under certified Standing Orders applicable to these collieries and recently the privilege leave in the Chirimiri Colliery was also fixed at 30 days in a year for its monthly paid employees under Standing Orders which have been certified by the competent authority, but I am told that there is an appeal pending against that order. Even so, it is quite clear that in the collieries of the Korea Coalfield, the general practice is to grant 30 days' privilege leave in a year. On that basis also I am quite satisfied that this demand would be justified.

9. The management has tried to show that 30 days privilege leave would be excessive because under the Mines Act and its Rules lesser leave is provided and it has argued that there should be no such distinction between the privilege leave granted to the weekly paid workmen and monthly paid workmen of the colliery. But the answer to this is that the company itself does not observe this rule in practice inasmuch as it is in fact granting 30 days privilege leave to a substantial number of its monthly paid workmen. In the case of the Alembic Chemical Works Co. Ltd., vs. its workmen (1961 1 LLJ. p. 328) the Hon'ble Supreme Court has observed that it could not seriously be disputed that a distinction can generally be made between an operative doing manual work and a clerk in regard to the leave, the latter getting longer privilege leave than the former.

10. The management has opposed this demand on the ground that the model Standing Orders for the entire Coal Mining Industry are under consideration but it is not known when those model Standing Orders will be finalised and it does not appear to me to be a justifiable reason for not providing the monthly paid workmen of its colliery the same privilege leave as being granted by almost all the other collieries (barring one) in this very region, specially when the company itself is granting to a section of its monthly paid staff privilege leave as demanded by the union. The management I may state, has not at all shown that it cannot bear the financial burden of the privilege leave of its monthly rated employees being raised to 30 days.

11. In the result, I hold that the management of the West Chirimiri Colliery of Messrs. Indra Singh & Sons is not justified in allowing different standards of leave facilities to the various categories of its monthly paid employees. The next question that falls for consideration is what relief are the workmen entitled to and I direct and award that those monthly paid employees who are granted less than 30 days privilege leave in the year shall be entitled to 30 days' privilege leave on the same terms and conditions on which the company at present is granting 30 days' privilege leave to some of its monthly paid employees, and I direct that they will be entitled to this benefit from the 1st of October, 1963.

12. As the Union has succeeded in the dispute, I award Rs. 100 as costs to the union.

(Sd.) SALIM M. MERCHANT,

Presiding Officer,
Central Government Industrial Tribunal, Bombay.

[No. 1/15/62-LRII.]

New Delhi, the 30th September 1963

S.O. 2839.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Labour Court, Dhanbad, constituted by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 1954, dated the 30th July, 1960 read with No. S.O. 1781, dated the 24th July, 1961:—

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri N. C. Chatterjee as Presiding Officer of the Labour Court constituted as aforesaid.

[No. F. 1/52/63-LRI.]

ORDERS

New Delhi the 28th September 1963

S.O. 2840.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhutgoria Colliery of Messrs. Equitable Coal Company Limited, Dishergarh (Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the stoppage of work of Sarvashri Sakaldeo Pandey, Barhan Mia and Darogi Jadav, coal-cutting machine mazdoors, with effect from the 9th April, 1963 by the management of the Bhutgoria Colliery was justified? If not, to what relief are the workmen entitled?

1

[No. 2/47/63-LR II.]

S.O. 2841.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Newton Chickli Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Bhollu Singh, workman, by the management of the Newton Chickli Colliery with effect from the 6th July, 1963 was justified? If not, to what relief is the workman entitled?

[No. 5/48/63-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 24th September 1963

S.O. 2842.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Government Branch Press, Mysore from the payment of the employers' special contribution leviable under Chapter V-A of the said Act for the period upto and including the 28th June, 1964.

[No. F. 6(102)/63-HI.]

S.O. 2843.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories in sparse areas, hereby exempts the factories situate in the areas in the State of Maharashtra mentioned in the Schedule below from the payment of the employers' special contribution leviable

under Chapter V-A of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Sl. No.	Name of the District	Name of the area	Name of the factory
1	Ahmednagar	Chincholi	1. M/s. C.S. Sanghavi Crusher No. 1. 2. M/s. C.S. Sanghavi Crusher No. 2.
		Chitali	Government Distillery.
		Savalvihar	M/s. Prakash & Bros. Stone Crusher.
		Kopargaon	State Transport Kopargaon Garage.
		Sakarwadi	M/s. Somaiya Organic Chemicals Ltd.
		Sangamner	State Transport Depot, Sangamner.
		Shirimpur	M/s. Agastie Engineering Works.
2	Aurangabad	Adgaon	M/s. Munshiram & Co.
		Chitegaon	M/s. Stone Crusher.
		Jalna	1. M/s. Vanguard Engineering Works. 2. M/s. Shanti Dal Mills. 3. M/s. The United Stone Meta Works. 4. M/s. Shankar Oil Mills.
		Narella	M/s. Wadhuram Chhabria (Stone Crusher).
		Koli	M/s. Recondo Private Limited.
		Vaijapur	M/s. Murarilal & Co.
3	Bhir	Dharur	M/s. Shikrishna Oil Mills.
		Mominabad	M/s. Shital Oil Mills.
		Parli	1. Maharashtra State Electricity Board. 2. M/s. Kirtikumar & Co. 3. M/s. Munshiram & Co.
		Pimpri	M/s. Hindustan Silk Mill.
4	East Khandesh	Chopda	M/s. Benshal Remdyaal Oil Mill.
		Jamner	M/s. Shri Laxmi Oil Mill.
		Pachora	1. M/s. Omkareshwar Oil Mill. 2. M/s. Munsingka Industries (P) Ltd.
		Utran	M/s. Benshal Merchand.
		Faizpur	M/s. Remlatoo Ukhadde Ginning and Oil Mill.
5	Kolaba	Mora-Uran	M/s. Industrial Abrasive Cooperative Society Limited.
		Vasrang	M/s. Indian Organic Chemicals Limited.
6	Kolahapur	Hupri	1. M/s. B.B. Ingrole and Bros. Silver factory. 2. M/s. Bhoje Mali Aptc and Co.
		Uchgaon	M/s. Ghatec Patil Industries (Private) Limited.
		Vishal Gad-Amba	M/s. Amba Tanning and Pharmaceuticals Limited.
7	Nanded	Dharmabad	M/s. Shah Goverdhan Lal Gokuldas Oil Mills.

1	2	3	4
8	Nasik	Baglan Devlali Dindori Malegaon Morwad Satna	M/s. Tarahabad Oil Mill and Gur Factory. 1. M/s. Jyoti Metal Works. 2. M/s. Asian Trading Corporation. 3. M/s. Walu Pilaji Gawande. M/s. Pioneer Trading and Construction Co. 1. Public Works Department Stone Crusher. 2. Government Stone Crusher. 3. M/s. Amalgamated Electricity Co. (Bel) Limited. 4. M/s. Tarachand Hajarimal Oil & Gin Factory. 5. M/s. Rashtriya Oil Mill. 6. M/s. Papalal Zanjuram Oil Mill. 7. M/s. Kashinath Dagdual Oil Mill. 8. M/s. Kakani Weaving Mills. 9. M/s. Tawliq Rayon Silk Yarn doubling Manufacturer. 10. State Transport Workshop. M/s. Pradeep Stone Crushing Works. 1. State Transport Depot. 2. M/s. Shriram Oil Mill.
9	North Satara	Karad Koregaon Phaltan	Maharashtra State Electricity Board. State Transport Depot Workshop. State Transport Depot Workshop.
10	Osmanabad	Kolamb	M/s. Shri Ganjanan Oil Mills.
11	Parbhani	Parbhani Sailu	M/s. Krishna Dal Mills. 1. M/s. Sikandar Oil Mills. 2. M/s. Ahmed Oil Mills.
12	Poona	Baramati Dhanori Ekshiva Fursingi Khed Kuran Camp (Panshet) Kasarwadi Lonawala Nigadi Talegaon	1. Baramati Workshop, State Transport Depot. 2. M/s. Jatumal Khilumal Lulla & Co. M/s. B.R. Herman and Mohatta (India) Private Limited. M/s. Walchand Nagar Industries. M/s. Dada Fire Works Private Limited. M/s. Khed Taluka Sahakari Oil Mill Limited. 1. M/s. Auto Repair Shop and Power House. 2. M/s. Machine Service Station. 3. M/s. Major Repair Workshop. M/s. Sandvik Asia Limited. 1. M/s. Pandurang Narayan Bendre Stone Crusher. 2. M/s. The Automotive and Allied Industries, Private Limited. 3. M/s. Nigomar Builders Private Limited. M/s. Kesho Dass and Sons. 1. M/s. Sharda Bangle Industries. 2. M/s. Eagle Vacuum Bottle Manufacturing Co. Private Limited.

1	2	3	4
12	Poona— <i>contd.</i>	Talegaon-Dabhade	State Transport (Bombay) Talegaon Depot.
		Sewa-Nagar	M/s. Atlas Copco (India) Private Limited.
		Yeoli	M/s. Arlabs Private Limited.
13	Ratnagiri	Malvan	1. M/s. Power House Malvan Electric Grid Depot. 2. State Transport Depot Workshop
		Ratnagiri	Stone Crusher Shri A. K. Shaikh Kuvarbao.
		Shivji Nagar	M/s. Canned Food Products.
		Turur	M/s. Barve and Albal (Stone Crusher).
		Vengurl	1. M/s. Konkan Minerals. 2. M/s. Shirodkar Cashew Nut Factory.
		Deogad	State Transport Depot.
14	Sholapur	Akalkot	1. M/s. Vishwanath Oil Mill. 2. State Transport Depot Workshop.
		Akluj	State Transport Depot Workshop.
		Karmala	State Transport Depot Workshop.
		Pandharpur	State Transport Depot Workshop.
15	South Satara	Islampur	1. M/s. Bombay Electric Grid Power House. 2. State Transport Depot.
		Tasgaon	State Transport Depot Workshop.
		Vishrambag	M/s. Vishrambag Power House.
		Vita (Khanapur)	State Transport Workshop.
16	Thana	Dahanu Road	1. M/s. New Industrial Works. 2. M/s. Ratnakar Metal Industries. 3. M/s. The Dahanu Road Peoples' Cooperative Electric Supply Society Limited.
		Palghar	1. State Transport Palghar Depot. 2. M/s. Light and Power Suppliers Limited. 3. M/s. Mahesh Wood Works.
		Gholwad	M/s. Rashmiya Industries.
17	West Khandesh	Mhandbara	M/s. Nawapura Textile & Locomotive (Hand Made Paper Factory).
		Nandurbar	1. M/s. Patel Oil Mill. 2. M/s. Dayabhai Jametji Gyara Oil Mills. 3. M/s. Nandurbar Shrikrishna Oil Mills. 4. M/s. The New Dal Mills. 5. M/s. Ghelabhai Devchand Suratwala Rice and Pulse Mills. 6. State Transport Depot Workshop. 7. M/s. Nandurbar Electric Supply Co. 8. M/s. Sohanlal Kanaiyalal Paras Dal Mills. 9. M/s. Shyam Oil Industries. 10. M/s. New Sharda Oil Mills. 11. Granulator at Nandurbar.
		Shirpur	1. M/s. Motilal Bhagwandes Ginning Factory. 2. M/s. Haji Dada Haji Musa Mamdani Oil Mill and Ginning Factory.
		Vikharan	M/s. Granulator at Vikharan.

S.O. 2844.—Whereas the Central Government is satisfied that the employees of the undermentioned factories, belonging to the Government of India in the Ministry of Works, Housing and Rehabilitation and placed under the Public Works Department, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 and in continuation of the notification of the Government of India in the Ministry of Labour and Employment No S.O. 917, dated the 23rd March, 1963, published under sub-section (ii), section 3 of Part II of the Gazette of India of the 30th March, 1963, the Central Government hereby exempts the undermentioned factories belonging to the Central Government in the Ministry of Works, Housing and Rehabilitation and placed under the Central Public Works Department, from all the provisions of the said Act for a further period of one year upto and inclusive of the 14th September, 1964 namely:—

1. The Electric Fans, Motors and Appliances Repair Shop, Barakhamba Road, New Delhi.
2. The Horticultural Tools and Implements Repairs Shop, New Delhi.
3. The Auto and General Repairs and General Machines Shop and Foundry, American Ware House, Factory Road, New Delhi.
4. The Desert Cooler, Refrigerator, Air Conditioning and Electric Repair Workshop, Barakhamba Road, New Delhi.

[No. F. 6(116)/63-HI]

S.O. 2845.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 216, dated the 10th January, 1962, namely:—

In the Schedule to the said notification, in item 5,
against the entry 'Berhampur' in Column 3, the entry—

4

"5 Sri Laxmi Saw Mill, Aska Road"
occurring in Column 4 shall be omitted.

[No. F. 6(80)/61-HI.]

New Delhi, the 27th September 1963

S.O. 2846.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government, having regard to the location of the factory in sparse areas, exempts the factory situate in the area in the State of Orissa mentioned in the Schedule below, from the payment of the employer's special contribution leviable under Chapter V-A of the said Act until the enforcement of the provisions of Chapter V of that Act in that area.

SCHEDULE

Sl. No	Name of the District	Name of the area	Name of the factory
1	2	3	4
1.	Gajam	Berhampur	Shree Triveni Saw Mill, Aska Road.

[No. F. 6(80)/61-HI.]

New Delhi, the 30th September 1963

S.O. 2847.—In exercise of the powers conferred by Section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories in sparse areas, hereby exempts the factories situate in the areas in the State of Mysore mentioned in the Schedule below from the payment of the employers' special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Sl. No.	Name of the District	Name of the area	Name of the factory
1	2	3	4
1	Chickmagalur	Chickmagalur	Mysore State Road Transport Corporation, Depot-Workshop.
2	Coorg	Mercara	Government Branch Press.
3	Hassan	Arsikere	Mysore State Road Transport Corporation, Depot-Workshop.
		Sakleshpur	Mysore State Road Transport Corporation, Depot-Workshop.
4	Raichur	Yelberga (Kuknoor Taluk)	Sivabasappa, Siddalingappa Langti-Ginning Oil Mills.
5	South Kanara	Manipal (Udipi Taluk).	M/s. Mani Wood Industries.
		Cherkadi Village	M/s. Madi Tile Works.

[No. F. 6(50)/61-HI]

S.O. 2848.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the seasonal nature of the industry carried on in the factory, hereby exempts Narbada Valley Refrigerated Products Co. (Private) Ltd., Bhopal, from the payment of the employers' special contribution leviable under Chapter V-A of the said Act for the period upto and including the 30th April, 1964.

[No. F. 6(97)/63/HI]

S.O. 2849.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the Schedule appended to this notification in sparse areas in the State of Gujarat, hereby exempts the said factories from the payment of the employers' special contribution payable under Chapter V-A of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Sl. No.	Name of the District	Name of the area	Name of the factory
1	2	3	4
1.	Ahmedabad	Dhandhuka	1. The Indian Hume Pipe Co. Ltd. 2. State Transport Dandhuka Depot.
		Dhgam Dholka	Testeels Ltd. The Spunpipe & Construction Co. No. 1.
		Nagnesh	1. Satyanarayan Metal Works. 2. Mahesh Quarry Works.
		Vatwa	Zach Rajguru Mfg. Co.

1	2	3	4
2.	Amreli	Amarnagar Amreli Kunkavav	Ketan Oil Mills. State Transport Amreli Depot. M/s. Lakshmi Oil Mill.
3.	Banaskantha	Chitrasani Dantiwada Deesa	New India Quarry Works. Modern Construction Co. Pvt. Ltd. Shri Dhanlaxmi Oil Mills.
4.	Baroda	Chhota Udepur Padra Ranoli Samlaya Waghodia	Ambica Minerals Stone Supply- ing Co. Trikamlal Nagardas Tambaku- wala. 1. Gujarat Woollen Felt Mills. 2. M/s. Trikamal Nagardas Patel. Ashwin Industries. Shri Sadhana Oil Mill.
5.	Bhavnagar	Botad Dhasa Savarkundla Vertej	Mahashakti Quarry Works. 1. Shree Natwar Oil Mill. 2. Laxmi Oil Mills. 1. Kundla Division Motor Trans- port Co-operative Society Ltd. 2. Kundla Taluka Khatid Vechan Sangh Ltd. 1. Gujarat Stone Quarry Works. 2. Vertej Bone Factory. 3. Mahesh Industries.
6.	Broach	Ankleshwar Netrang	The Indian Concrete Pipe & Construction Co. Pvt. Ltd. 1. Jayant Oil & Pulse Mills. 2. Shree Kirti Oil & Pulse Mill.
7.	Jamnagar	Port Okha	1. Burmah Shell Installation. 2. Kathiawar Metal & Tin Works Pvt. Ltd. 3. ESSO Standard Eastern Inc. Terminal.
8.	Junagadh	Chorwad Gadu Keshod Manavadar Mangrol Varaval	Cotton Seeds Co. Gadu Sarvodaya Sahakari Oil Mill Ltd. Rajani Oil Mill & Ginning Fac- tory No. 2. Shri Govind Oil Mills. 1. Jayant Oil Mill. 2. Shree Ram Oil Mills. 1. Sahakari Oil Mills. 2. Modern Oil Mills. 3. Oil Seeds Industries. 4. Shah Construction Co. Ltd. (Crusher Deptt.)

1	2	3	4
9	Kaira	Angadi	1. Shri Jagdish Quarry. 2. Jadav Trading Corporation.
		Kapadwanj	State Transport Kapadwanj Depot.
		Kavitha	1. Kasturchand Manilal Shah (Tobacco factory). 2. M/s. Bhogilal Ratanchand Shah (Tobacco factory).
		Mogri	Shankarbhai Bavajibhai Patel & Co.
		Navli	M/s. Ramanlal Ambalal Patel & Co.
		Vadod	1. Chaturbhai Fakirbhai Patela Jerda Factory. 2. Kantilal & Bros.
		Vasad	Bharat Hydraulic Lime Works.
10	Mehsana	Patan	State Transport Depot Workshop.
		Vijapur	Oriental Ceramic Works.
		Vianagar	Vianagar Taluka Mazdoor Sahakari Mandli Ltd.
11	Panchmahals	Derol	1. Associated Industrial Corporation. 2. M/s. Champaklal Bhupendra Prasad Rice Pulse & Oil Mill.
		Halol	1. Arunodaya Quarry Works. 2. Manhar Chandulal Shah & Bros. 3. Dindayal Metal Quarry. 4. Divyesh Quarry Works. 5. Ambica Quarry Works. 6. Shri Ranchhodrai Quarry Works.
		Piplod	Shree Krishna Oil Mill.
		Vejalpur	Sheth Kantilal Mahasukhlal & Co. Oil Mills.
		Santrampur	State Transport Depot.
12	Rajkot	Daldi	Kirji Industries.
		Dhoraji	M/s. Keshavlal Ghelabhai Oil Mill.
		Gondal	1. Parekh Paper Mills. 2. Prestressed Concrete Industries. 3. Gondal Public Dairy Ltd.
		Kotda Sangani	Anwer Oil Mill.
		Kotharia	1. Saurashtra Solvent Extraction Co. Pvt. Ltd. 2. Bharat Steel Rolling Mills.

1	2	3	4
13	Sabarkantha	Antroli	1. Rameshwar Stone Crushing Factory. 2. Laxmi Vijay Stone Crushing Factory.
		Demai	Shri Arun Oil Mill & Ginning Factory.
		Prantij	The Yashwant Printing Press.
		Vaktapur	Vaktapur Oil Mill.
		Vadagam	1. Ramesh Quarry Works. 2. Sangram Quarry Works. 3. Vijay Prakash Quarry Works 4. Jalaram Quarry Works. 5. Kalpana Quarry Works. 6. Shree Jagdish Oil Mill.
14	Surat	Bardoli	M/s. Bhagubhai V. Intwala.
		Dungra	Stadfast Paper Mills.
		Khadki	1. Chandulal Lalji Shah Store Quarry. 2. Rohit Paper & Pulp Mills Ltd.
		Madhi	Shree Ramkabir Rice & Pulse Mills.
		Ukai	General Workshop.

[No. F. 6(96)/63-HI.]

ORDER

New Delhi, the 24th September 1963

S.O. 2850.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year with effect from the 1st October, 1963 from the payment of the employers' special contribution leviable under Chapter VA of the said Act, every factory—

- (a) which is exclusively engaged in one or more of the manufacturing processes specified in column 1 of the Table annexed hereto or any other manufacturing process which is incidental to, or connected with, any of the aforesaid processes; and

- (b) which is situated in any area specified in the corresponding entry in column 2 of the said Table, subject to the condition, if any, specified in the corresponding entry in column 3 of the said Table.

TABLE

Name of Manufacturing process	Area where situated	Conditions
1	2	3
1. Redrying unmanufactured leaf tobacco.	Whole of India except the State of Jammu and Kashmir.	
2. Rice Milling	Do.	
3. Cold storage	Do.	
4. Salt manufacture	Do.	
5. Oil Mills	Do.	Provided that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than fifty.
6. Ice Manufacture	The States of Punjab, Uttar Pradesh, Rajasthan, Madhya Pradesh, Bihar and Andhra Pradesh and the Union territories of Delhi and Himachal Pradesh.	

[No. 6(117)/63-HL.]

O. P. TALWAR, Under Secy.

ERRATUM

In Ministry of Labour and Employment Notification No. 11(26)/62-PF.II, dated 9th July, 1963, published in the Gazette of India, Part II—Section 3(ii), dated 20th July, 1963, as S.O. 2012, the following correction is to be made:—

Page 2247, 2nd line of the notn.—

For the existing line—

Read “(1) The rules of the provident fund of Messrs. Shree Gauri Shankar Jute”.

